

**BEFORE THE BOARD OF PHARMACY EXAMINERS  
OF THE STATE OF IOWA**

Re:	)	Case No. 2005-29
Pharmacist License of	)	
<b>FRANK H. DREY</b>	)	<b>STATEMENT OF CHARGES</b>
License No. 13664	)	
Respondent	)	

**COMES NOW**, the Complainant, Lloyd K. Jessen, and states:

1. He is the Executive Secretary/Director for the Iowa Board of Pharmacy Examiners and files this Statement of Charges solely in his official capacity.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 155A and 272C (2005).
3. On October 14, 1969, the Board issued Respondent, Frank H. Drey, following examination, a license to engage in the practice of pharmacy as evidenced by license number 13664, subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's pharmacist license is current and active until June 30, 2006.
5. Respondent's current address is 908 West State Street, Marshalltown, Iowa 50158.
6. Respondent was employed as a pharmacist at the Iowa Veteran's Home at all times relevant to this statement of charges. Respondent served as the pharmacist in charge at the Veteran's Home pharmacy.

**A. CHARGES**

**COUNT I – DEPARTURE FROM PROFESSIONAL STANDARDS**

Respondent is charged under Iowa Code § 155A.12 (2005) and 657 Iowa Administrative Code § 6.14 and 36.1(4) with a lack of professional competency, including repeated departure from, or failure to conform to, the minimal standard or acceptable and prevailing practice of pharmacy in the State of Iowa.

**COUNT II – FAILURE TO MAINTAIN RECORDS AND CONTROL OVER DRUGS**

Respondent is charged with failing to maintain complete and adequate records of purchases and

disposal of drugs listed in the controlled substances act in violation of Iowa Code § 155A.12 (4) (2005) and 657 Iowa Administrative Code § 36.1(4)(cc), and with failing to maintain accurate control over and accountability for drugs, including controlled substances, in violation of Iowa Code §§ 124.308(3), 124.402(1)(a), 155A.12(5) and 657 Iowa Administrative Code §§ 6.2, 6.7 and 36.1(4)(u).

### COUNT III – ILLEGAL DISTRIBUTION OF DRUGS

Respondent is charged with distribution of drugs for other than lawful purposes in violation of Iowa Code § 155A.12(1) (2005) and 657 Iowa Administrative Code § 36.1(4)(h), specifically, distribution of prescription medications in the absence of a prescription.

#### B. CIRCUMSTANCES

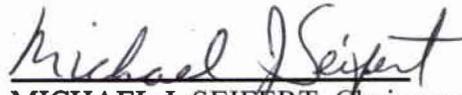
On or about March 28, 2005 an investigation was commenced, which revealed the following:

1. Respondent was a 32-year employee of the Iowa Veteran's Home and the pharmacist in charge at the Iowa Veteran's Home pharmacy.
2. Since the introduction of an automated medication dispensing system (AMDS) in 1999, the pharmacy has routinely recycled unused medications back into the pharmacy stock and distributed the recycled medications to patients. Recycled medications, including controlled substances, have been removed from sealed dose packaging and placed in the AMDS supply.
3. Records were not maintained regarding recycled controlled substances.
4. The original recipients of medications were not credited for unused – and then recycled – medications.
5. Records were not maintained regarding medications returned to a reverse distributor.
6. Respondent routinely distributed medications to his family members in the absence of a prescription. Medications distributed to family members included both recycled medications and medications from the regular pharmacy inventory.
7. Prescription drug samples from manufacturers were both placed in the regular pharmacy inventory and distributed without written prescriptions. Patients of the Veteran's Home were billed for "sample" medications distributed from the pharmacy inventory.
8. The pharmacy had no quality assurance program for use in training pharmacists and technicians.

WHEREFORE, the Complainant prays that a hearing be held in this matter and that the Board take such action as it may deem to be appropriate under the law.

  
LLOYD K. JESSEN  
Executive Secretary/Director

On this 13 day of Sept., 2005, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.

  
MICHAEL J. SEIFERT, Chairperson  
Iowa Board of Pharmacy Examiners  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck  
Assistant Attorney General  
Hoover State Office Building  
Des Moines, Iowa 50319

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**BEFORE THE BOARD OF PHARMACY  
OF THE STATE OF IOWA**

Re:	)	Case No. 2005-29
Pharmacist License of	)	
<b>FRANK H. DREY,</b>	)	<b>STIPULATION</b>
License No. 13664,	)	<b>AND</b>
Respondent.	)	<b>CONSENT ORDER</b>
	)	

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2007), the Iowa Board of Pharmacy (hereinafter, "Board") and FRANK H. DREY, R.Ph. (hereinafter, "Respondent"), enter into this Stipulation and Consent Order settling a pending contested case. The pending contested case is a licensee disciplinary proceeding before the Iowa Board of Pharmacy based on allegations specified in a Statement of Charges filed September 13, 2005. The Board and Respondent, who hereby agree that the contested case shall be resolved without proceeding to hearing, stipulate to the following:

1. Respondent was issued a license to practice pharmacy in Iowa on October 14, 1969, by examination, as evidenced by Pharmacist License Number 13664, which is recorded in the permanent records of the Iowa Board of Pharmacy.
2. Iowa Pharmacist License Number 13664, issued to and held by Respondent is active and current until June 30, 2008.
3. Respondent is currently employed as a pharmacist.
4. A Statement of Charges was filed against Respondent on September 13, 2005.
5. The Board has jurisdiction over Respondent and the subject matter herein.

6. Respondent does not admit the allegations set forth in the Statement of Charges but agrees, for the purpose of this Stipulation and Consent Order, to adhere to certain terms and conditions on his license to practice pharmacy in the State of Iowa.
7. Upon the date of the Board's approval of this Stipulation and Consent Order, Respondent's license to practice pharmacy shall be placed on probation for two (2) years. During the probationary period, Respondent shall file written quarterly reports with the Board. During the probationary period, Respondent may not serve as a preceptor for pharmacy students or interns.
8. Upon the date of the Board's approval of this Stipulation and Consent Order, Respondent agrees to provide to the Board a written "Assurance of Regulatory Compliance" in which Respondent agrees to obey all federal and state laws and regulations related to the practice of pharmacy.
9. Within 30 days of the date that this Stipulation and Consent Order is approved by the Board, Respondent shall submit to the Board a civil penalty in the amount of \$1,000, in the form of a check made payable to "Treasurer, State of Iowa." Said check shall be deposited to the general fund of the State of Iowa.
10. Within 30 days of the date that this Stipulation and Consent Order is approved by the Board, Respondent shall submit to the Board, for its review and approval, written policies and procedures which address the following areas: (1) the training and utilization of pharmacy technicians; (2) the maintenance of pharmacy records and control over all drugs; (3) controlled substance accountability; (4) the lawful distribution of prescription drugs; (5) the proper handling of drug samples; (6) the proper disposal method for outdated prescription

drugs and controlled substances; (7) the proper use of an automated medication distribution system (AMDS); and (8) the duties of a pharmacist in charge.

11. Respondent shall notify all current and prospective employers of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this Stipulation and Consent Order. The notification requirement contained in this paragraph shall only apply where Respondent's pharmacist license is or will be utilized in the course of his employment. Within fifteen (15) days of undertaking new employment as a pharmacist, Respondent shall cause his employer to report to the Board in writing, acknowledging that the employer has read this Stipulation and Consent Order and understands it.
12. The Board and Respondent agree that the above-described two (2) year probationary period may be modified by the Board, upon Respondent's request, after presentation of evidence of Respondent's ongoing compliance with all regulations and statutes relating to the practice of pharmacy. In no event, however, shall Respondent's probationary period be less than one year.
13. Should the Respondent violate or fail to comply with any of the terms or conditions of this Stipulation and Consent Order, the Board may initiate action to revoke or further suspend the Respondent's Iowa pharmacist license, or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2007), and 657 IAC 36.
14. This Stipulation and Consent Order is the resolution of a contested case. By entering into this Stipulation and Consent Order, the Respondent waives all rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to this Stipulation and Consent Order.

15. This proposed settlement is subject to approval by a majority of the full Board. If the Board fails to approve this settlement, it shall be of no force or effect to either party. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.
16. The Board's approval of this Stipulation and Consent Order shall constitute a FINAL ORDER of the Board in a disciplinary action.

This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 23 day of January 2008.

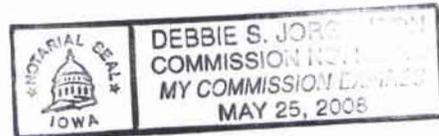
Frank H Drey  
 FRANK H. DREY, R.Ph.  
 Respondent

State of Iowa  
 County of Polk

Signed and sworn (or affirmed) before me  
 on January 8, 2008  
 Date

by Frank H. Drey  
 Name(s) of Person(s)

Debbie S. Jorgenson  
 Signature of Notary Public



This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on the 24<sup>th</sup> day of January 2008.

Leman E. Olson  
 Leman E. Olson, Vice Chair  
 Iowa Board of Pharmacy  
 400 SW Eighth Street, Suite E  
 Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck, A.A.G.  
Office of the Attorney General  
Hoover State Office Building  
Des Moines, Iowa 50319

**BEFORE THE BOARD OF PHARMACY STATE OF IOWA**

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**IN THE MATTER OF THE STIPULATION AND CONSENT ORDER AGAINST**

**FRANK H. DREY, R.Ph., RESPONDENT**

**2005-29**

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**TERMINATION ORDER**

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**DATE: January 24, 2010**

1. On January 24, 2008, a Stipulation and Consent Order was issued by the Iowa Board of Pharmacy placing the license to practice pharmacy, number 13664 issued to Frank H. Drey on October 14, 1969, on probation for a period of two years under certain terms and conditions.

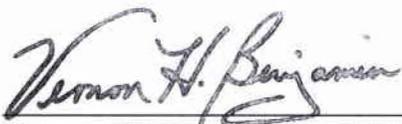
2. Respondent has successfully completed the probation as directed.

3. The Board directed that the probation placed upon the Respondent's license to practice pharmacy should be terminated.

**IT IS HEREBY ORDERED:**

That the probation placed upon the Respondent's license to practice pharmacy is terminated, and the license is returned to its full privileges free and clear of all restrictions.

**IOWA BOARD OF PHARAMCY**



Vernon H. Benjamin, Board Chairperson  
400 SW 8<sup>th</sup> Street, Suite E  
Des Moines, Iowa 50309-4688