

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

Re:)	Case No. 2001-14861
Pharmacist License of)	
FRED H. EBERT)	STATEMENT OF CHARGES
License No. 14861)	
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 (2001).
3. On September 8, 1976, the Board issued Respondent, Fred H. Ebert, a license to engage in the practice of pharmacy by license transfer as evidenced by license number 14861, subject to the laws of the State of Iowa and the rules of the Board.
4. License number 14861 is current and active until June 30, 2002.
5. Respondent's current address is 2164 Westridge Drive, Missouri Valley, Iowa 51555.
6. Respondent is currently self employed as the pharmacist in charge at Valley Drug, 318 E. Erie, Missouri Valley, Iowa and has been employed as such during all times relevant to this statement of charges.

COUNT I

The Respondent is charged under Iowa Code §§ 124.308(3), 124.402(1)(a), 124.403 (1)(c), 155A.15(2)(c), 155A.15(2)(d), and 155A.12(1) (2001) and 657 Iowa Administrative Code §§ 6.2, 6.8, 36.1(4)(u) with failing to provide accountability for certain controlled substances.

COUNT II

The Respondent is charged under Iowa Code § 155A.12(1) (2001) and 657 Iowa Administrative Code §§ 6.2, 6.6 & 10.10 with failing to provide and maintain effective security, controls, and procedures to guard against the theft and diversion of prescription drugs and controlled substances.

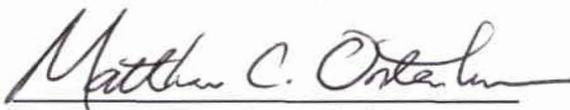
THE CIRCUMSTANCES

1. The Respondent is the Pharmacist in Charge at Valley Drug, 318 E. Erie, Missouri Valley, Iowa.
2. On or about January 9, 2001, the Respondent notified the board office of an apparent theft of controlled substances at Valley Drug.
3. Upon investigation, an accountability audit of Schedule II, III, IV, and V controlled substances at the Respondent's pharmacy revealed multiple shortages of Schedule II, III, IV, and V controlled drugs.
4. The investigation revealed that a theft of controlled substances did occur at Respondent's pharmacy. A pharmacy technician employed by the Respondent Pharmacy admitted to the board investigator during the course of his investigation that she had taken the missing drugs from the Respondent's pharmacy.

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 12th day of June, 2001, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.


Matthew C. Osterhaus, Chairperson
Iowa Board of Pharmacy Examiners
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Shauna Russell Shields
Assistant Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

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

Re:)	Case No. 2001-14861
Pharmacist License of)	
FRED H. EBERT)	STIPULATION
License No. 14861)	AND
Respondent)	CONSENT ORDER
)	

COME NOW the Iowa Board of Pharmacy Examiners (“the Board”) and Fred H. Ebert, R.Ph. (“Respondent”) and, pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2001), enter into the following Stipulation and Consent Order settling the contested case currently on file.

The licensee disciplinary hearing pending before the Iowa Board of Pharmacy Examiners, on the allegations specified in the Statement of Charges filed against the Respondent on June 12, 2001, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That the Respondent was issued a license to practice pharmacy in Iowa on September 8, 1976, by license transfer as evidenced by Pharmacist License Number 14861, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacist License Number 14861, issued to and held by the Respondent is active and current until June 30, 2002.
3. The Respondent is currently self-employed as the pharmacist in charge at Valley

Drug, 318 E. Erie, Missouri Valley, Iowa, and has been employed as such at all times relevant to this case.

4. A Statement of Charges was filed against the Respondent on June 12, 2001.
5. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.
6. This Stipulation and Consent Order is entered into in order to resolve disputed claims and constitutes no admission on the part of the Respondent.
7. The Respondent's license shall be placed on probation for two (2) years, with the following conditions, beginning on the date this Stipulation and Consent Order is accepted by the Board:
 - a. Within sixty (60) days of the date of approval of this Stipulation and Consent Order by the Board, the Respondent will provide his *typewritten* policies and procedures for the following: (a) maintaining accountability for controlled substances, and (b) providing and maintaining effective security, controls, and procedures to guard against the theft and diversion of prescription drugs and controlled substances. The typewritten policies and procedures shall relate to the Respondent's practice of pharmacy in his current work setting. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to these policies and procedures whenever engaging in the practice of pharmacy. The Respondent further acknowledges and understands that maintaining security of controlled substances in the pharmacy is the responsibility of the

pharmacist in charge.

- b. Within six (6) months of the date of approval of this Stipulation and Consent Order by the Board, the Respondent shall complete the following continuing pharmacy education (CPE) courses: (1) DEA Handling Requirements for Community Pharmacies (1.0 hours) -- ACPE #406-999-00-038-H03, (2) DEA Dispensing Requirements for Community Pharmacies (1.0 hours) -- ACPE #406-999-00-039-H03, and (3) DEA Reporting, Enforcement and Audits (1.0 hours) -- ACPE #406-999-00-040-H03. Each of these CPE courses is provided by *Community Pharmacist* and may be obtained by writing the CE Editor of the *Community Pharmacist*, 5285 West Louisiana Ave., Lakewood, Colorado 80232-5976 or from the July/August 2000 edition of *Community Pharmacist*. Documentation of satisfactory completion of the education shall be submitted to the Board. This education is in addition to the thirty (30) hours of continuing pharmacy education required every two years for license renewal.
- c. During probation, the Respondent shall inform the Board in writing within ten (10) days of any change of home address, place of employment, home telephone number, or work telephone number.
- d. During probation, the Respondent shall report to the Board or its designee quarterly. Said report shall be in writing. The report shall include the Respondent's place of employment, current address, and any further

information deemed necessary by the Board from time to time. The reports shall be filed not later than December 5, 2001, March 5, 2002, June 5, 2002, September 5, 2002; December 5, 2002, March 5, 2003, June 5, 2003, and September 5, 2003.

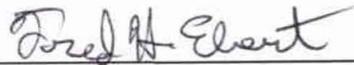
8. The Respondent shall obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy.
9. During the probationary period, the Respondent shall notify all present employers and prospective employers (no later than at the time of an interview), including the pharmacist-in-charge, of the resolution of this case and the terms, conditions, and restrictions imposed on the Respondent by this document. Within thirty (30) days after approval of this Stipulation and Consent Order by the Board, and within fifteen (15) days of undertaking new employment as a pharmacist, the Respondent shall cause his pharmacy employer and the pharmacist-in-charge that he works under to report to the Board in writing acknowledging that the employer and the pharmacist-in-charge have read this document and understand it.
10. 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 suspend the Respondent's Iowa pharmacist license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A and 657 IAC 36.1.
11. 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.

12. 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.

13. The Board's approval of this Stipulation and Consent Order shall constitute a **FINAL ORDER** of the Board in a disciplinary action.

14. This Stipulation and Consent Order is voluntarily submitted by the Respondent to the Board for its consideration on the 1 day of October, 2001.

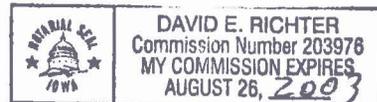


Fred H. Ebert, R.Ph.
Respondent

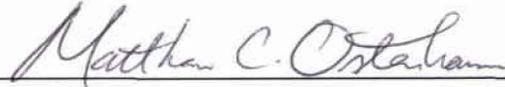
Subscribed and sworn to before me by Fred H. Ebert on this 1 day of October, 2001.



NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA



15. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 10 day of Oct., 2001.



MATTHEW C. OSTERHAUS, Chairperson
Iowa Board of Pharmacy Examiners
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Shauna Russell Shields
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319