

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

Re:	)	Case No. 2002-88
Pharmacist License of	)	
<b>KIMBERLY A. ELEDGE</b>	)	<b>STATEMENT OF CHARGES</b>
License No. 18561	)	
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 (2003).
3. On December 12, 1995, the Board issued Respondent, Kimberly A. Eledge, by reciprocity, a license to engage in the practice of pharmacy as evidenced by license number 18561, 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, 2003.
5. Respondent's current address is Box 516, Primghar, Iowa 51245.
6. Respondent is currently employed as the pharmacist in charge at Barama Drug, Paullina, Iowa, and has been so employed since September 30, 2002. Prior to its closure on or about September 30, 2002, Respondent had been employed as the pharmacist in charge at Barama Drug, Primghar.

**COUNT I – ILLEGAL DELIVERY**

Respondent is charged under Iowa Code § 155A.12(1) (2003) and 657 Iowa Administrative Code § 8.15 with delivery of prescription drugs to unauthorized persons.

**COUNT II – DEPARTURE FROM PROFESSIONAL STANDARDS**

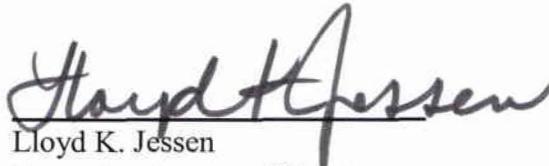
Respondent is charged under Iowa Code § 155A.12 (2003) and 657 Iowa Administrative Code § 6.14 and 36.1(4) with a lack of professional competency, including repeated departure from, or failure to conform to, the minimal standard or acceptable and prevailing practice of pharmacy in the State of Iowa.

## THE CIRCUMSTANCES

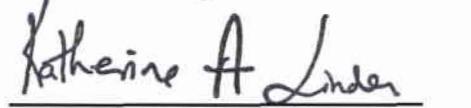
On or about October 21, 2002 an investigation of Barama Drug was commenced, revealing the following:

1. Barama Drug in Primghar was closed on September 30, 2002 with all records and inventory being transferred to Respondent. Subsequently, an advertisement in a Primghar newspaper offered prescription drop off and delivery at the Primghar site. Prescriptions were being filled by Respondent in Paullina or by an affiliated pharmacy in Sibley, Iowa, and left on a rack at the former Primghar location for customers to pick up. Patient counseling was not provided.
2. A retail operation continued at the Barama Drug site in Primghar after closure of the pharmacy. Signs identified the retail operation as "Barama Drug" and as a "family 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 23 day of April, 2003, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.

  
Katherine A. Linder, 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

Eledge 34o

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

Re:	)	Case No. 2002-88
Pharmacist License of	)	
<b>KIMBERLY A. ELEDGE</b>	)	<b>STIPULATION</b>
License No. 18561	)	<b>AND</b>
Respondent	)	<b>CONSENT ORDER</b>
	)	

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2003), the Iowa Board of Pharmacy Examiners (hereinafter, "the Board") and Kimberly A. Eledge (hereinafter, "Respondent"), enter into the following Stipulation and Consent Order settling a licensee disciplinary proceeding currently pending before the Iowa Board of Pharmacy Examiners.

Allegations specified in a Statement of Charges filed against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

1. Respondent was issued a license to practice pharmacy in Iowa on December 12, 1995, by examination as evidenced by Pharmacist License Number 18561, which is recorded in the permanent records of the Board.
2. The Iowa Pharmacist License issued to and held by Respondent is active and current until June 30, 2003.
3. Respondent is currently employed as a pharmacist at Barama Drug, Paullina, Iowa, where she serves as the pharmacist-in-charge.
4. A Statement of Charges was filed against Respondent on April 23, 2003.
5. The Board has jurisdiction over the parties and jurisdiction over the subject matter of these proceedings.

6. Respondent does not contest the allegations set forth in the Statement of Charges and acknowledges that the allegations constitute grounds for the discipline described herein.

7. On 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 with the following conditions:

a. Within six (6) months after the date of the Board's approval of this Stipulation and Consent Order, Respondent shall complete continuing pharmacy education ("CPE") or other formal, structured education in controlled substance record keeping and security, and compliance with controlled substances laws. The CPE shall be *not less than* two (2) hours in length and shall be pre-approved by the Board. Documentation of satisfactory completion of the education shall be promptly submitted to the Board. This CPE shall be in addition to -- not in lieu of -- the thirty (30) hours of continuing pharmacy education required every two years for license renewal.

b. Within sixty (60) days after the date of the Board's approval of this Stipulation and Consent Order, Respondent will submit to the Board *typewritten* pharmacy policies and procedures for the following: (1) record-keeping relating to controlled substances, (2) security of controlled substances, (3) delivery of prescription drugs and (4) patient counseling. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to these policies and procedures in her current employment setting and whenever engaging

in the practice of pharmacy.

c. Respondent shall inform the Board, in writing, of any change of home address, place of employment, home telephone number, or work telephone number, within ten (10) days of such a change.

d. During probation, Respondent shall report to the Board or its designee quarterly, in writing. The report shall include Respondent's place of employment, current address, and any further information deemed necessary by the Board from time to time.

e. Respondent shall not serve as a preceptor.

f. Respondent shall notify all present employers and prospective employers (no later than at the time of an employment interview), including any pharmacist-in-charge, of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this Stipulation and Consent Order.

g. 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, Respondent shall cause her pharmacy employer, and any pharmacist-in-charge she 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.

h. Respondent shall appear informally before the Board, upon the request of the Board, for the purpose of reviewing her performance as a pharmacist during her probationary period. Respondent shall be given reasonable notice of the date,

time, and place for the appearances.

i. Respondent shall obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy.

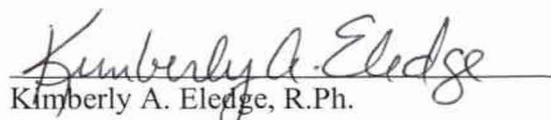
8. Should the Respondent violate or fail to comply with any of the terms or conditions of this Stipulation and Consent Order, the Board may initiate action to revoke or suspend the Respondent's Iowa pharmacist license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2003) and 657 IAC 36.

9. This Stipulation and Consent Order is the resolution of a contested case. By entering into this Stipulation and Consent Order, 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.

10. 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 the Board or Respondent. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.

11. 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 17<sup>th</sup> day of June 2003.

  
Kimberly A. Eledge, R.Ph.  
Respondent

Subscribed and sworn to before me by Kimberly A. Eledge on this 17<sup>th</sup> day of June 2003.



Debbie S. Jorgenson  
NOTARY PUBLIC IN AND FOR  
THE STATE OF IOWA

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 24 day of June 2003.

Katherine A. Linder  
KATHERINE A. LINDER, Chairperson  
Iowa Board of Pharmacy Examiners  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

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