

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

Re:)	Case No. 2000-3068
Pharmacy License of)	
EXPRESS PHARMACY SERVICES)	STATEMENT OF CHARGES
License No. 3068)	
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 (1999).
3. Effective January 1, 2000, the Board renewed Respondent nonresident pharmacy license number 3068 with Mary Jean Braun as the pharmacist in charge, allowing Respondent to engage in the operation of pharmacy subject to the laws of the State of Iowa and the rules of the Board.
4. Nonresident pharmacy license number 3068 is current until December 31, 2000.
5. Respondent is currently operating a nonresident pharmacy at 8275 Bryan Dairy Road, Largo, Florida 33777 with Mary Jean Braun as the pharmacist in charge.

COUNT I

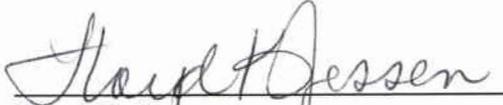
The Respondent is charged under Iowa Code § 155A.13A(3) (1997) and 657 Iowa Administrative Code §§ 8.20, 19.3, 19.9(3), & 36.1(4)(b)(4) with failure to ensure that its pharmacists provide adequate patient counseling as specified in rule 657 Iowa Administrative Code § 8.20.

THE CIRCUMSTANCES

1. On or about January 23, 2000, the Executive Secretary of the Board received a complaint that Respondent's pharmacy was not complying with patient counseling requirements.
2. Upon investigation of the above-referenced complaint, a Board investigator

discovered that instructions and drug information sent to patients with prescriptions filled by the Respondent are cursory and do not include enough information to adequately counsel patients regarding medicine dispensed to the patient.

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 10th day of July, 2000, 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. 2000-3068
Pharmacy License of)	
EXPRESS PHARMACY SERVICES)	STIPULATION
License No. 3068)	AND
Respondent)	CONSENT ORDER

COME NOW the Iowa Board of Pharmacy Examiners (“the Board”) and Express Pharmacy Services (“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 Respondent on July 10, 2000, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That the Respondent’s license to operate a pharmacy was renewed effective January 1, 2002 as evidenced by Pharmacist License Number 3068, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That General Pharmacy License Number 3068 issued to and currently held by Respondent is current and in force until December 31, 2002.
3. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.

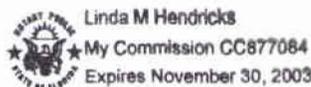
4. A Statement of Charges was filed against Respondent on July 10, 2000.
5. This Stipulation and Consent Order is entered into in order to resolve disputed claims and constitutes no admission on the part of the Respondent.
6. Respondent agrees to accept a **CITATION AND WARNING** for the alleged violation set forth in the Statement of Charges.
7. The Respondent shall obey all federal and state laws, rules, and regulations substantially related to the operation of non-resident pharmacy in the State of Iowa.
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 license to operate a pharmacy or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A and 657 Iowa Administrative Code § 36.1.
9. 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.
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 party. 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.

12. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 11 day of February, 2002.

Mary Jean Braun, R.Ph.
Express Pharmacy Services
Mary Jean Braun, R.Ph.
Pharmacist in charge,
Respondent

Subscribed and sworn to before me by Mary Jean Braun, who has stated to me that he/she is the pharmacist in charge of Express Pharmacy Services and that he/she is authorized to sign this Stipulation and Consent Order on behalf of said Express Pharmacy Services on this 12th day of February, 2002.



Linda M. Hendricks
NOTARY PUBLIC IN AND FOR THE
STATE OF ~~IOWA~~ FLORIDA

13. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 4th day of March, 2002.

Matthew C. Osterhaus
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