

**BEFORE THE IOWA BOARD OF PHARMACY**

Re:	)	Case No. 2010-12
Pharmacist License of	)	
<b>KARLA J. FIORI</b>	)	<b>STATEMENT OF CHARGES</b>
License No. 18081,	)	
Respondent.	)	

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

1. He is the Executive Director for the Iowa Board of Pharmacy (hereinafter, "Board") 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 (2009).
3. On July 23, 1993, the Board issued Karla J. Fiori ("Respondent"), after examination a license to engage in the practice of pharmacy as evidenced by license number 18081, 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, 2011.
5. Respondent's most recent address of record is 1000 Meadowlark Drive, Grimes, Iowa 50311.
6. At all times material to this statement of charges, Respondent was employed as the pharmacist in charge at Walgreens Pharmacy, 15601 Hickman Road, Des Moines, Iowa 50325.

**A. CHARGES**

**COUNT I – LACK OF PROFESSIONAL COMPETENCY**

Respondent is charged under Iowa Code § 155A.12(1) (2009) and 657 Iowa Administrative Code § 36.1(4)(b) with a lack of professional competency as demonstrated by willful and repeated departures from, and a failure to conform to, the minimal standard and acceptable and prevailing practice of pharmacy in the state of Iowa, as evidenced by Respondent's violations of standards related to patient counseling.

## COUNT II -- FAILURE TO PROVIDE COUNSELING

Respondent is charged under Iowa Code § 155A.12(1) (2009), and 657 Iowa Administrative Code §§ 6.14(1) and 36.1(4)(w), with failing to provide counseling to patients, and engaging in business practices intended to circumvent requirements for patient counseling.

## COUNT III – AIDING UNLAWFUL PRACTICE OF PHARMACY

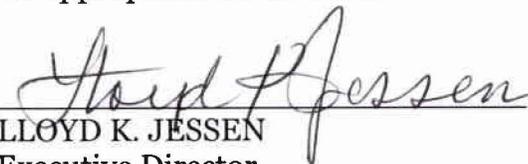
Respondent is charged under Iowa Code §§ 155A.12(1) and 155A.12(6) (2009), and 657 Iowa Administrative Code §§ 6.7(3) and 36.1(4)(l) with aiding, assisting and procuring the unlawful practice of pharmacy by improperly delegating pharmacist responsibilities to a pharmacy technician.

### B. CIRCUMSTANCES

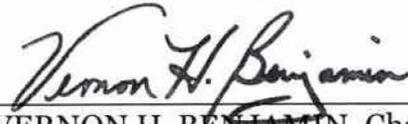
An investigation was commenced on May 19, 2010, which revealed the following:

1. Respondent is employed as the pharmacist in charge at Walgreens Pharmacy, 15601 Hickman Road, Clive Iowa 50325.
2. When a patient (complainant) picked up a new prescription (Levaquin) from the pharmacy, a technician provided an answer to the patient's question regarding when she should take the first dose of the medication. The complainant has previously picked up a prescription and been told the pharmacist was too busy to answer her question.
3. The pharmacy's computer records relating to the complainant's purchase of Levaquin reflect that counseling was refused – the opposite of what occurred.
4. When investigating the complaint, the Board's compliance officer witnessed a second patient pick up a new prescription. This patient was asked by a technician, "Do you need to talk to the pharmacist about this?" No counseling was received by the patient.
5. Walgreen's technician training is designed, at best, to *offer* counseling rather than assure that patient counseling occurs. For example, Walgreen's training materials suggest that technicians ask patients, "Do you have a moment to speak to the pharmacist?"

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 Director

On this 24 day of Nov. 2010, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.



VERNON H. BENJAMIN, Chairperson  
Iowa Board of Pharmacy  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck  
Assistant Attorney General  
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Des Moines, Iowa

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BEFORE THE IOWA BOARD OF PHARMACY

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Re:	)	Case Nos. 2010-12
Pharmacist License of	)	
<b>KARLA J. FIORI,</b>	)	<b>SETTLEMENT AGREEMENT</b>
License No. 18081	)	<b>AND</b>
Respondent.	)	<b>FINAL ORDER</b>

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Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011), the Iowa Board of Pharmacy and Karla J. Fiori, Respondent, enter into the following Settlement Agreement and Final Order to settle a licensee disciplinary proceeding currently pending before the Board.

The allegations contained in a Statement of Charges against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

1. Respondent was issued Pharmacist License No. 18080. That license is active and current until June 30, 2013.
2. A Statement of Charges was filed against Respondent on November 24, 2010.
3. At all times relevant to the Statement of Charges, Respondent was employed as the pharmacist in charge at Walgreens Pharmacy, 15601 Hickman Road, Des Moines, Iowa.
4. The Board has jurisdiction over the parties and the subject matter of these proceedings.

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IOWA BOARD OF PHARMACY

5. Respondent has chosen not to contest the allegations in the Statements of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Order.
6. Respondent is hereby CITED for the failure to provide counseling to a patient on a new prescription, as described in the Statement of Charges, and is hereby WARNED that future violations of the law governing the practice of pharmacy in Iowa could result in further disciplinary action.
7. Respondent agrees to pay a civil penalty in the amount of \$250. This civil penalty shall be made payable to the Treasurer of Iowa and mailed to the executive director of the Board within twenty (20) days of the Board's approval of this Settlement Agreement and Final Order. All civil penalty payments shall be deposited into the State of Iowa general fund.
8. Within 60 days of the date this Settlement Agreement is approved by the Board, Respondent shall complete an additional two (2) hours of continuing pharmacy education (CPE) on patient counseling and ethics which is pre-approved by the Board. Documentation of satisfactory completion of this CPE shall be promptly submitted to the Board. The CPE shall be in addition to the thirty (30) hours of CPE required every two years for license renewal.
9. Should Respondent violate or fail to comply with any of the terms and conditions of this Settlement Agreement and Final Order, the Board may initiate action to revoke or suspend Respondent's Iowa pharmacist license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2011) and 657 IAC 36.

10. This Settlement Agreement and Final Order is the resolution of a contested case.  
By entering into this Settlement Agreement and Final 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 Final Order.
11. The State's legal counsel may present this Settlement Agreement and Final Order to the Board.
12. This Settlement Agreement and Final Order 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 Settlement Agreement and Final Order, it shall be the full and final resolution of this matter.
13. The Board's approval of this Settlement Agreement and Final Order shall constitute a FINAL ORDER of the Board.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 13 day of March 2013.

  
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KARLA J. FIORI, RPh  
Respondent

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on the 13th day of March 2013.

  
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SUSAN M. FREY, Chairperson

Iowa Board of Pharmacy  
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