

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

Re:)	Case No. 2005-51
Pharmacy License of)	
FIRST MED PHARMACY)	STATEMENT OF CHARGES
License No. 1019)	
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 November 24, 2004, the Board renewed Respondent's general pharmacy license number 1019 with Tom Kruse as pharmacist in charge, allowing Respondent to engage in the operation of a pharmacy subject to the laws of the State of Iowa and the rules of the Board.
4. General pharmacy license number 1019 is current until December 31, 2006.
5. Respondent is currently operating a general pharmacy at 1803 East Kimberly Road, Davenport, Iowa 52806, with Tom Kruse as the pharmacist in charge.

A. CHARGE

COUNT I – INADEQUATE SECURITY

Respondent is charged under Iowa Code §§ 124.308, 124.402, 124.403, 155A.15(2)(i) (2005) and 657 Iowa Administrative Code §§ 6.2, 6.7, 10.15 and 36.1(4)(u) with a failure to establish adequate security and effective controls against diversion of prescription drugs, including controlled substances.

B. THE CIRCUMSTANCES

On or about May 31, 2005 an investigation was commenced which revealed the following:

1. After pharmacists employed by Respondent noted inventory discrepancies, security cameras were installed.

2. On May 13, 2005, the security cameras recorded technician Katherine M. Connard taking 3 pints of cough syrup (2 pints of Promethazine with codeine and one pint of Tussionex). Connard subsequently acknowledged taking a bottle of Vicodin tablets earlier the same day.
3. Connard admitted to a Pharmacy Board compliance officer that she had stolen drugs, including controlled substances, from Respondent. She stated that the thefts began in March of 2003 and continued until her arrest.
4. Connard sold the stolen drugs to a succession of persons who were aware of her employment at Respondent pharmacy.
5. An audit of Respondent's records revealed substantial shortages of controlled substances, including shortages of Alprazolam 0.5 mg. (5,844 tablets), Hydrocodone/APAP 5/500 (45,580 tablets), Hydrocodone/APAP 7.5/500 (32,803 tablets) and Hydrocodone/APAP 7.5/750 (8,283 tablets).

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 th 16 day of November 2005, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.


LEMAN E. OLSON, Vice 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 EXAMINERS
OF THE STATE OF IOWA**

IOWA PHARMACY EXAMINERS

Re:)	Case No. 2005-51
Pharmacy License of)	
FIRST MED PHARMACY)	CITATION
License No. 1019)	AND
Respondent)	WARNING

Pursuant to Iowa Code §§ 17A.10, 272C.3(2)(f) (2005) and 657 I.A.C. 36.1(2)(j), the Iowa Board of Pharmacy Examiners (hereinafter, "the Board") and First Med Pharmacy (hereinafter, "Respondent"), enter into the following stipulated Citation and Warning, 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's license to operate a pharmacy in Iowa was renewed on December 9, 2005, as evidenced by Pharmacy License Number 1019, which is recorded in the permanent records of the Board.
2. The general Iowa Pharmacy License issued to and held by Respondent is active and current until December 31, 2006.
3. A Statement of Charges was filed against Respondent on November 16, 2005, following the theft of drugs by a former employee.
4. Respondent is currently operating a general pharmacy at 1803 East Kimberly Road, Davenport, Iowa 52806.

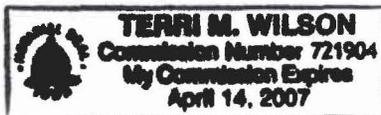
5. The Board has jurisdiction over the parties and jurisdiction over the subject matter of these proceedings.
6. Respondent believed that it had appropriate procedures in place to protect against theft. However, for the purposes of this stipulated Citation and Warning and in the interest of settlement, Respondent does not admit, but does not contest the allegations set forth in the Statement of Charges. Pursuant to 657 I.A.C. § 36.1(2)(j), Respondent accepts this Citation and Warning for a failure to maintain accurate control over and accountability for drugs, including controlled substances.
7. As a part of this Citation and Warning, Respondent has submitted written pharmacy policies and procedures regarding (a) the security and monitoring of controlled substances inventories, (b) the maintenance of records relating to controlled substances, and (c) the continuance or establishment of a perpetual inventory for all schedule 2 and schedule 3 controlled substances for the Board's approval.
8. This stipulated Citation and Warning is the resolution of a contested case. By entering into this stipulated Citation and Warning, Respondent waives all rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to this stipulated Citation and Warning.
9. 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 stipulated Citation and Warning, it shall be the full and final resolution of this matter.

10. The Board's approval of this stipulated Citation and Warning shall constitute a **FINAL ORDER** of the Board in a disciplinary action.

This stipulated Citation and Warning is voluntarily submitted by Respondent to the Board for its consideration on the 14 day of July 2006.

Tom Kruse RPh
First Med Pharmacy
Tom Kruse, R.Ph., Pharmacist in Charge
Respondent

Subscribed and sworn to before me by Tom Kruse, Pharmacist in Charge for First Med Pharmacy, on this 14 day of July 2006.



Terri M. Wilson
NOTARY PUBLIC IN AND FOR
THE STATE OF IOWA

This stipulated Citation and Warning is accepted by the Iowa Board of Pharmacy Examiners on the 17 day of July 2006.

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

cc: Scott M. Galenbeck, Esq.
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