

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

Re:)
Pharmacy License of)
FONTANELLE DRUG) **STATEMENT OF CHARGES**
License No. 654)
Kaye L. Bax,)
Pharmacist in charge,)
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 (1995).
3. General pharmacy license number 654, issued in the name of Fontanelle Drug, with Kaye L. Bax as pharmacist in charge, was renewed on November 28, 1994, and is current until December 31, 1995.
4. Respondent currently operates a general pharmacy at 401 Washington, Fontanelle, Iowa 50846.

COUNT I

The Respondent is charged under Iowa Code §§ 155A.12(1), 155A.12(2), and 155A.12(4) (1995) and 657 Iowa Administrative Code §§ 8.5(1), 9.1(4)(b), 9.1(4)(c), 9.1(4)(j), and 9.1(4)(u) with making medication dispensing errors on prescriptions filled for patient "John Doe" and with altering pharmacy and prescription records in an attempt to conceal the dispensing errors.

THE CIRCUMSTANCES

On or about April 29, 1994, Kaye L. Bax allegedly altered pharmacy and prescription records at Fontanelle Drug in an attempt to conceal medication dispensing errors on prescriptions filled by Ms. Bax for patient "John Doe." Ms. Bax allegedly dispensed Butalbital Compound (a generic for Fiorinal®) instead of Butalbital/APAP/CAF (a generic for Fioricet®) to "John Doe" over an extended period of time. As a result of the error, the patient was ingesting aspirin rather than acetaminophen. Aspirin was allegedly contraindicated for the patient due to several medical problems. It is alleged that Kaye L. Bax was aware of this fact.

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 11th day of October, 1995, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.


Marian L. Roberts, Chairperson
Iowa Board of Pharmacy Examiners
Executive Hills West
1209 East Court Avenue
Des Moines, Iowa 50319

cc: Linny Emrich
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

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

Re: Pharmacy License of	}	
FONTANELLE DRUG	}	STIPULATION
License No. 654	}	AND
Kaye L. Bax,	}	INFORM SETTLEMENT
Pharmacist in charge,	}	
Respondent	}	

On this 9th day of January, 1996, the Iowa Board of Pharmacy Examiners and Fontanelle Drug, 401 Washington, Fontanelle, Iowa, each hereby agree with the other and stipulate as follows:

The licensee disciplinary hearing pending before the Iowa Board of Pharmacy Examiners, on the allegations specified in the Statement of Charges and Notice of Hearing filed against Respondent on October 11, 1995, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Informal Settlement:

1. That Respondent was issued a license to operate a pharmacy on the 28th day of November, 1994, as evidenced by General Pharmacy License Number 654, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.

2. That Iowa General Pharmacy License Number 654 issued to and currently held by Respondent is current and in full force until December 31, 1995.

3. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.

4. A Statement of Charges and Notice of Hearing was filed against Respondent on October 11, 1995.

5. This Stipulation and Informal Settlement is executed as a compromise settlement of disputed claims, liability for which is expressly denied by Kaye L. Bax and Fontanelle Drug, and the execution of this Stipulation and Informal Settlement shall not constitute an admission of liability on the part of either.

SECTION I

Respondent agrees to accept a citation and warning for the alleged violations set forth in the Statement of Charges that was issued to Respondent on October 11, 1995. Respondent also agrees to do the following:

1. Within thirty (30) days of the date of approval of this Stipulation and Informal Settlement by the Board, the Respondent shall pay a civil penalty of \$ 2,000.00 by delivering a check made payable to the Treasurer of the State of Iowa to the Executive Secretary/Director of the Board. The check shall be deposited into the general fund of the State of Iowa.

2. Within sixty (60) days of the date of approval of this Stipulation and Informal Settlement by the Board, the Respondent shall submit to the Board, for its approval, a written policy and procedure for maintaining the integrity and confidentiality of patient records and prescription drug orders. The policy and procedure shall require adequate security including safeguards designed to prevent and detect unauthorized access, modification, or manipulation of patient records and prescription drug orders. The policy and procedure shall also require that, once a drug has been dispensed, any alterations in either the prescription drug order data or the patient record shall be documented and shall include the identification of all pharmacy personnel who were involved in making the alteration as well as the responsible pharmacist. Following

review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to this policy and procedure.

SECTION II

1. Respondent shall submit to random unannounced visits to or inspections by the Board or agents of the Board to verify compliance with this Order.

2. Respondent shall fully and promptly comply with all Orders of the Board and the statutes and rules regulating the practice of pharmacy in Iowa. Any violation of the terms of this Order is grounds for further disciplinary action, upon notice and opportunity for hearing, for failure to comply with an Order of the Board, in accordance with Iowa Code section 272C.3(2)(a).

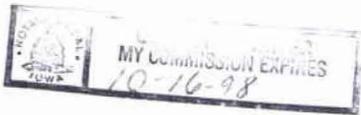
3. Should Respondent violate this agreement in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may take additional disciplinary action.

4. This Stipulation and Informal Settlement is subject to approval of a majority of the full Board. If the Board fails to approve this Stipulation and Informal Settlement, it shall be of no force or effect to either party.

5. This Stipulation and Informal Settlement is voluntarily submitted by Respondent to the Board for its consideration on the 27 day of December, 1995.

Fontanelle Drug
Kaye L. Bax R.Ph.
FONTANELLE DRUG
Kaye L. Bax, R.Ph.,
Pharmacist in charge,
Respondent

Subscribed and Sworn to before me on this 27 day of December, 1995.



Theresa Buchanan
NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

6. This Stipulation and Informal Settlement is accepted by the Iowa Board of Pharmacy Examiners on the 9 day of January, 1996.

Marian L. Roberts
MARIAN L. ROBERTS, Chairperson
Iowa Board of Pharmacy Examiners
Executive Hills West
1209 East Court Avenue
Des Moines, Iowa 50319