

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

Re:)
Pharmacist License of)
GREGORY G. FROMMELT) **STATEMENT OF CHARGES**
License No. 17248)
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 (1997).
3. On July 26, 1989, the Board issued Respondent, Gregory G. Frommelt, a license to engage in the practice of pharmacy by examination as evidenced by license number 17248, subject to the laws of the State of Iowa and the rules of the Board.
4. License number 17248 is current and active until June 30, 1999.
5. Respondent's current address is 8888 Woodmayr Circle, Norwalk, Iowa 50211.
6. Respondent is currently employed as the pharmacist in charge at Osco Drug, #532, 3141 SE 14th Street, Des Moines, Iowa 50320, and has been employed as such during all times relevant to this statement of charges.

COUNT I

The Respondent is charged under Iowa Code § 155A.12(1) (1997) and 657 Iowa Administrative Code §§ 6.2(1) & (2) & 9.1(4) with failure to ensure that the pharmacy employs a sufficient number of personnel, including licensed pharmacists, as required to operate the pharmacy competently, safely, legally, and adequately to meet the needs of the patients of the pharmacy.

COUNT II

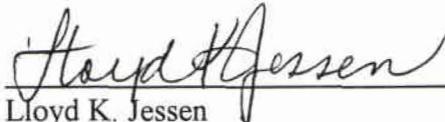
The Respondent is charged under Iowa Code § 155A.12(1) (1997) and 657 Iowa Administrative Code §§ 6.2(1)(a) & (b), 8.20, 9.1(4)(b)(4) with failure to ensure that pharmacists

working under his supervision provide adequate patient counseling as specified in rule 657 Iowa Administrative Code § 8.20.

THE CIRCUMSTANCES

1. On September 28, 1998, the Board received a complaint about a dispensing error that had occurred at Respondent's pharmacy on or about September 22, 1998.
2. The Board's investigation of the dispensing error referred to in Paragraph 1 indicated that a non-pharmacy cashier was running the cash register in the pharmacy at the time the prescription was picked up because the pharmacy was very busy.
3. Because the non-pharmacy cashier did not have much experience in the pharmacy, she gave a prescription for Amoxicillin to a customer before it had been reconstituted.
4. The non-pharmacy cashier also did not call a pharmacist to counsel the patient when she gave out the prescription.
5. Proper patient counseling might have prevented the dispensing error referred to in Paragraph 1.
6. On December 28, 1998, the Board received a complaint about another dispensing error that had occurred at Respondent's pharmacy on or about December 23, 1998.
7. The Board's investigation of the dispensing error referred to above revealed that the Respondent's pharmacy is not adequately staffed to safely and legally handle the average volume of prescriptions filled by the pharmacy.
8. During the Board's investigation of the dispensing error referred to in Paragraph 1, Respondent indicated that the pharmacy's policies and procedures for patient counseling call for the technicians to make the offer to counsel on every new prescription.
9. The pharmacy's policies and procedures for counseling do not meet the requirements for patient counseling set forth in the Boards rule, 657 Iowa Administrative Code § 8.20 which requires a pharmacist to counsel each patient or patient's caregiver upon receipt of a new prescription drug order.

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 14 day of April, 1999, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.



Arlan D. VanNorman, Chairperson
Iowa Board of Pharmacy Examiners
1209 East Court Avenue
Des Moines, Iowa 50319

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: Pharmacist License of	}	
GREGORY G. FROMMELT	}	STIPULATION
License No. 17248	}	AND
Respondent	}	CONSENT ORDER
	}	

On this 16th day of July, 1999, the Iowa Board of Pharmacy Examiners and Gregory G. Frommelt, of 8888 Woodmayr Circle, Norwalk, Iowa 50211, 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 filed against Respondent on April 14, 1999, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That Respondent was issued a license to practice pharmacy in Iowa on the 26th day of July, 1989, by examination as evidenced by Pharmacist License Number 17248, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacist License Number 17248 issued to Respondent is active and current until June 30, 2001.
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 April 14, 1999.

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's license shall be placed on probation for six (6) months, with the following conditions, beginning on the date this Stipulation and Consent Order is accepted by the Board:

a. Within sixty (60) days of the date of approval of this Stipulation and Consent Order by the Board, the Respondent shall develop and submit to the Board, for its approval, a written policy and procedure for preventing medication dispensing errors. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to this policy and procedure whenever engaging in the practice of pharmacy.

b. Within sixty (60) days of the date of approval of this Stipulation and Consent Order by the Board, the Respondent shall develop and submit to the Board, for its approval, a written policy and procedure for ensuring that pharmacists who work under his supervision provide adequate patient counseling. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to this policy.

c. Within six (6) months of the date of approval of this Stipulation and Consent Order by the Board, the Respondent shall complete continuing pharmacy education (CPE) or other formal, structured education in patient counseling. The education shall be *not less than* six (6) hours in length and shall be pre-approved by the Board. Documentation of satisfactory completion of the education shall be submitted to the Board. This education is in addition to the thirty (30) hours of continuing pharmacy education required every two years for license renewal.

d. During probation, Respondent shall inform the board in writing within ten (10) days of any change of home address, place of employment, home telephone number, or work telephone number.

e. During probation, Respondent shall provide evidence of efforts to maintain skill and knowledge as a pharmacist through continuing education (CE) as directed by the Board.

f. During probation, Respondent shall not supervise any registered intern and shall not perform any of the duties of a preceptor.

g. Respondent shall file sworn quarterly reports with the Board attesting to his compliance with all the terms and conditions of this Stipulation and Consent Order. The reports shall be filed not later than September 5, December 5, March 5, and June 5 of each year of the Respondent's probation. The quarterly reports shall include the Respondent's place of employment, current address, and any further information deemed necessary by the Board from time to time. Respondent's first quarterly report shall be filed with the Board not later than September 5, 1999.

7. Respondent shall pay a civil penalty of \$100.00 within 30 days of the date of approval of this Stipulation and Consent Order by the Board. Respondent shall deliver 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.

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

9. Respondent shall notify all present and prospective employers of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this document. 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 his pharmacy employer to report to the Board in writing acknowledging that the employer has read this document and understands it.

10. This proposed settlement is subject to approval of a majority of the full Board. If the Board fails to approve this proposed 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. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 29 day of June, 1999, 1999.



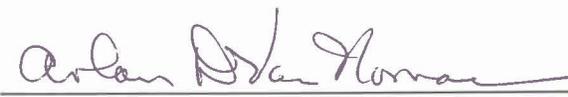
Gregory G. Frommelt, R.Ph.
Respondent

Subscribed and Sworn to before me on this 29 day of June, 1999.



NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA
expires 5-25-2002

12. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 16th day of July, 1999.



ARLAN D. VAN NORMAN, Chairperson
Iowa Board of Pharmacy Examiners
Executive Hills West
1209 East Court Avenue
Des Moines, Iowa 50319

cc: Shauna Russell Shields
Assistant Attorney General