

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

Re:)
Pharmacist License of)
MICHAEL F. GIRSCH) **STATEMENT OF CHARGES**
License No. 14145)
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 September 20, 1972, the Board issued Respondent, Michael F. Girsch, a license to engage in the practice of pharmacy by examination as evidenced by license number 14145, subject to the laws of the State of Iowa and the rules of the Board.
4. License number 14145 is current and active until June 30, 2000.
5. Respondent's current address is 1608 Union Road, Cedar Falls, Iowa 50613.
6. Respondent is currently self employed as the owner and pharmacist in charge of Kimball Avenue Drug, 2104 Kimball Avenue, Waterloo, Iowa 50702 and Falls Road Drug, 1608 Union Road, Cedar Falls, Iowa 50613, 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 §§ 8.18, 9.1(4)(b)(4) with failing to obtain and record patient information, including the patient's age or date of birth, known drug allergies, drug reactions, idiosyncrasies, chronic conditions or disease states, and the identity of any other drugs currently being used by the patient .

COUNT II

The Respondent is charged under Iowa Code § 155A.12(1) (1997) and 657 Iowa Administrative Code §§ 6.2 & 8.19 with failure to ensure that pharmacists working under his supervision perform prospective drug review.

THE CIRCUMSTANCES

1. On January 19, 1999, as part of a shopper survey conducted by the Board, the Respondent was presented with a new prescription drug order by a prospective patient.
2. The Respondent asked the patient for her name, address, and phone number, but did not ask her about any drug reactions or idiosyncrasies or other for other drugs she was taking.
3. Respondent is the Pharmacist in Charge at Kimball Avenue Drug and Falls Road Drug, both in Waterloo, Iowa.
4. During the shopper surveys conducted at Kimball Avenue Drug and Falls Road Drug on January 19 and 20, 1999, Board investigators discovered that the policy for collecting patient information at each of those pharmacies is incomplete, making it difficult for pharmacists at the pharmacies to conduct prospective drug review of the therapeutic appropriateness of the patient's drug therapy as required by Board rule 8.19.

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
MICHAEL F. GIRSCH
License No. 14145
Respondent

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**STIPULATION
AND
CONSENT ORDER**

On this 15th day of July, 1999, the Iowa Board of Pharmacy Examiners and Michael F. Girsch, of 1608 Union Road, Cedar Falls, Iowa 50613, 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 20th day of September, 1972, by examination as evidenced by Pharmacist License Number 14145, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacist License Number 14145 issued to Respondent is active and current until June 30, 2000.
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 agrees to accept a Citation and Warning for the allegations set forth in the Statement of Charges.

7. 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 the patient information collected by Respondent is complete and accurate as required by Board rules. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to this policy and procedure.

8. 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 and shall be three (3) hours of counseling and three (3) hours of prospective drug review. 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.

9. Respondent shall file a sworn report with the Board upon completion of the above conditions attesting to his compliance with all the terms and conditions of this Stipulation and Consent Order.

10. Respondent shall pay a civil penalty of \$250.00 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.

11. The Respondent shall obey all federal and state laws, rules, and

regulations substantially related to the practice of pharmacy.

12. 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.

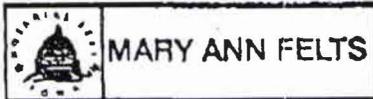
13. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 15 day of September, 1999.

Michael F. Girsch

Michael F. Girsch, R.Ph.
Respondent

Subscribed and Sworn to before me on this 15th day of September,

1999.



Mary Ann Felts

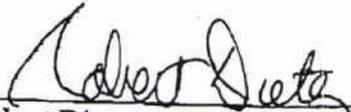
NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

14. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 15th day of September, 1999.

Arlan D. Van Norman

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

APPROVED AS TO FORM



Robert Dieter - Attorney for Respondent



Shauna Russell/Shields - Attorney for State

cc: Shauna Russell Shields, Assistant Attorney General
Robert Dieter