

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2009-41
Pharmacist License of)	
HEATHER GRAFTON)	STATEMENT OF CHARGES
License No. 18648,)	
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 24, 1996, the Board issued Heather Grafton ("Respondent"), after examination a license to engage in the practice of pharmacy as evidenced by license number 18648 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, 2012.
5. Respondent's most recent address of record is 4140 Northeast 151st Place, Cambridge, Iowa.
6. At all times material to this statement of charges, Respondent was employed as the pharmacist in charge at PharMerica, 2901 99th Street, Urbandale, Iowa 50322.

A. CHARGE

COUNT I – LACK OF PROFESSIONAL COMPETENCY

Respondent is charged under Iowa Code § 155A.12(1) (2007) 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.

B. CIRCUMSTANCES

An investigation was commenced April 20, 2009, which revealed the following:

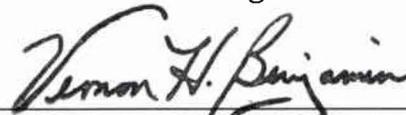
1. At all times material to this statement of charges, Respondent was employed as the pharmacist in charge at Pharmerica, 2901 99th Street, Urbandale, Iowa 50322.
2. A patient was prescribed morphine sulphate, 10mg/5 ml, with directions to give 2.5-5ml (5-10mg) every 4 hours.
3. Pharmerica filled the patient's prescription with morphine sulphate, 20mg/ml, ten times the prescription strength.
4. The patient, who had been under hospice care for almost a year, received the incorrect prescription for approximately a day. The correct medication was resumed following discovery of the error. The patient died about two weeks later.

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 20 day of July 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
Hoover State Office Building
Des Moines, Iowa

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MAY 12 2011

BEFORE THE IOWA BOARD OF PHARMACY

IOWA BOARD OF PHARMACY
Re:

Pharmacist License of
HEATHER GRAFTON
License No. 186408
Respondent

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Case No. 2009-41

**STIPULATION
AND
CONSENT ORDER**

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011), the Iowa Board of Pharmacy (hereinafter, "Board") and Heather Grafton (hereinafter, "Respondent"), enter into the following Stipulation and Consent Order settling a licensee disciplinary proceeding currently pending before the Board.

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 a license to practice pharmacy in Iowa on July 24, 1996, following examination, as evidenced by Pharmacist License Number 18648 which is recorded in the permanent records of the Board.
2. The Iowa pharmacist license issued to and held by Respondent is active and current until June 30, 2012.
3. The Board has jurisdiction over Respondent and jurisdiction over the subject matter of these proceedings.
4. A Statement of Charges was filed against Respondent by the Board on July 20, 2010.
5. Respondent was, at all times material to the Statement of Charges, employed as the pharmacist in charge at PharMerica, 2901 99th Street, Urbandale, Iowa 50322.

6. Respondent has chosen not to contest the allegations set forth in the Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline described herein.

7. Upon the Board's approval of this Stipulation and Consent Order, Respondent's Iowa pharmacist license shall be placed on probation for a term of one (1) year.

Probation is granted under the following conditions, which Respondent agrees to follow:

a. Within three (3) months after the date of the Board's approval of this Stipulation and Consent Order, Respondent shall complete not less than six (6) hours of formal, structured continuing pharmacy education ("CPE") which shall be pre-approved by the Board. The CPE shall be focused on pharmacy procedures which assist in avoidance of dispensing errors. Upon completion of the six hours of CPE, documentation of satisfactory completion shall be promptly submitted to the Board. This CPE shall be in addition to – not in lieu of – the thirty (30) hours of continuing pharmacy education required every two years for license renewal.

b. Within three (3) months after the date of the Board's approval of this Stipulation and Consent Order, Respondent will submit to the Board *typewritten*¹ pharmacy policies and procedures for the following: (1) avoidance of dispensing errors and (2) accurate preparation of appropriate medication labels and instructions. Following review and approval by the Board, Respondent agrees to adopt, implement, and adhere to these policies and procedures whenever employed as a pharmacist in charge and whenever engaging in the practice of

¹ For the purposes of this order, "typewritten" policies may be generated on computer word-processing equipment.

pharmacy in a pharmacy which has no policies concerning dispensing errors and appropriate labeling and instructions.

c. Respondent shall inform the Board, in writing, of any change of home address, place of employment, home telephone number, or work telephone number, within ten (10) days of such a change.

d. 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 during the probationary period, Respondent shall cause her pharmacy employer, and any pharmacist-in-charge she works under, to report to the Board in writing acknowledging that the employer and the pharmacist-in-charge have read this document and understand it. It shall be Respondent's responsibility to assure that these reports are provided to the Board.

e. Respondent shall appear informally before the Board, upon the request of the Board, for the purpose of reviewing her performance as a pharmacist during Respondent's probationary period. Respondent shall be given reasonable notice of the date, time, and place for the appearances.

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

8. Should Respondent violate or fail to comply with any of the terms and conditions of this Stipulation and Consent Order, the Board may initiate action to revoke or suspend Respondent's Iowa pharmacist license or impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2011), and 657 IAC §36.

9. This Stipulation and Consent Order is the resolution of a contested case. By entering into this Stipulation and Consent Order, Respondent waives all right to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objection to this Stipulation and Consent Order.

10. The State's legal counsel may present this Stipulation and Consent Order to the Board.

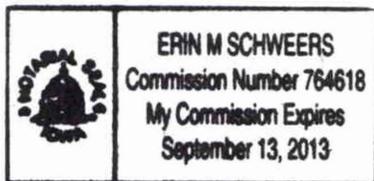
11. This Stipulation and Consent Order is subject to approval by a majority of the full Board. If the Board fails to approve this settlement, it shall be of no force or effect to either the Board or Respondent. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.

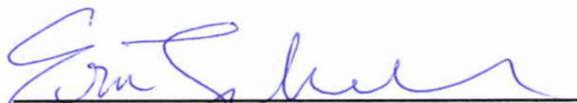
12. The Board's approval of this Stipulation and Consent Order shall constitute a FINAL ORDER of the Board.

This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 10th day of May 2011.

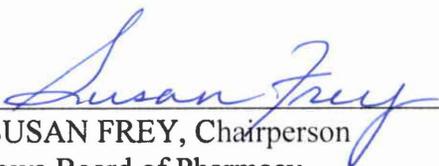

HEATHER GRAFTON, R.Ph.
Respondent

Subscribed and sworn to before me by Heather Grafton on this 10th day of May 2011.




NOTARY PUBLIC IN AND FOR
THE STATE OF IOWA

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on the 29th day of June 2011.


SUSAN FREY, 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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