

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

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Re:	)	Case No. 2002-667
Pharmacy License of	)	
<b>GREENVILLE PHARMACY INC.</b>	)	
License No. 667	)	<b>STATEMENT OF CHARGES</b>
Respondent	)	

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**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 (2001).
3. Effective January 1, 2002, the Board renewed the Respondent, Greenville Pharmacy Inc.'s license to operate a pharmacy in the State of Iowa subject to the laws of the State of Iowa and the rules of the Board and with Robert P. Rehal as the pharmacist in charge.
4. License number 667 is current and active until December 31, 2002.
5. The Respondent operates a pharmacy at 2701 Correctionville, Sioux City, Iowa 51105, 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.15 (2001), and 657 Iowa Administrative Code §§ 10.11 & 36.1(4)(j), with violating a statute or law of this state, another state, or the United States which relates to the practice of pharmacy or the distribution of controlled substances, prescription drugs, or non-prescription drugs.

COUNT II

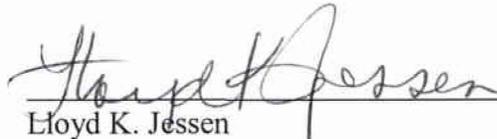
The Respondent is charged under Iowa Code § 155A.15 (2001) and 657 Iowa Administrative Code §§ 36.1(4)(i) with intentional or repeated violation of Board rules 6.2(1)(a) (failing to ensure that the pharmacists at the pharmacy where the Respondent serves as

pharmacist in charge perform prospective drug utilization review); 6.2(1)(a) (legal operation of pharmacy); and 10.11 (dispensing prescription for controlled substances that was not issued in accordance with the requirements of rule 10.11).

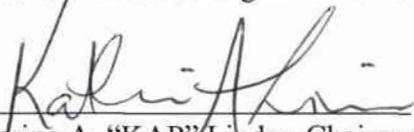
### THE CIRCUMSTANCES

1. On or about November 28, 2001, the Iowa Board of Pharmacy Examiners received a complaint that the Respondent's pharmacy had dispensed a prescription for a controlled substance in a manner that was contrary the prescriber's specific instructions.
2. The Board's investigator reviewed the records of all of the controlled substances dispensed between September 13, 2001 and January 2, 2002 by the Respondent's pharmacy. In some of the prescriptions reviewed, the prescriber had clearly indicated on the face of the prescription drug order that the prescription was not to be dispensed before certain date. This date will be referred to as the "do not dispense before" date. The pharmacy dispensed controlled substances before the "do not dispense before" date nine times during the less than four month time period that was subject to the investigator's review.
3. The Board investigator also discovered that the pharmacy had dispensed six prescriptions for controlled substances when the prescription drug order did not contain the date the prescription was issued or written or contained a date more than fifteen years old. The pharmacists did not verify these prescriptions with the prescribers before dispensing them.
4. In response to the Board investigator's questions, pharmacists at the Respondent's indicated that they did not know what several of the patient's diagnosis were, but at least two of the pharmacists believed that several of the patients who regularly asked to have their prescriptions filled before the "do not dispense before" date were abusers of controlled substances. The pharmacy dispensed controlled substances to these individuals before the "do not dispense before" date in spite of this belief.

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 18 day of June, 2002, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.

  
Katherine A. "KAP" Linder, Chairperson  
Iowa Board of Pharmacy Examiners  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

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**

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Re:	)	Case No. 2002-667
Pharmacy License of	)	
<b>GREENVILLE PHARMACY INC.</b>	)	<b>STIPULATION</b>
License No. 667	)	<b>AND</b>
Respondent	)	<b>CONSENT ORDER</b>

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COME NOW the Iowa Board of Pharmacy Examiners ("the Board") and Greenville Pharmacy Inc. ("Respondent") and, pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2001), enter into the following Stipulation and Consent Order settling the contested case currently on file.

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 June 18, 2002, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That the Respondent's license to operate a pharmacy was renewed effective January 1, 2002 as evidenced by Pharmacist License Number 667, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That General Pharmacy License Number 667 issued to and currently held by Respondent is current and in force until December 30, 2002.
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 June 18, 2002.
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. The Respondent shall pay a civil penalty of \$1,500.00 within 30 days of the date of approval of this Stipulation and Consent Order by the Board. The 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.
7. The Respondent's license shall be placed on probation for three (3) years, 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 will develop and submit to the Board, for its approval, typewritten policies and procedures for (1) conducting prospective drug utilization review in its pharmacy and (2) complying with federal DEA requirements for the dispensing of controlled substances in its pharmacy. Each policy and procedure shall include a typewritten protocol that describes the procedure for the Respondent to follow when dispensing prescription medication upon receipt of a new prescription drug order or a refill request. The policy and procedure for conducting drug utilization review shall include all the requirements contained in 657 Iowa Administrative Code § 8.19 and shall provide for a

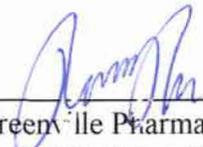
process whereby patients' medication records are reviewed and assessed by a pharmacist employed by the Respondent for the purpose of determining therapeutic appropriateness before the Respondent dispenses any prescription medication. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to these policies and procedures whenever operating a pharmacy in the State of Iowa.

- b. The Respondent shall not dispense any prescription medication without a valid prescription drug order from an authorized prescriber. When a prescriber has provided specific refill instructions, the Respondent shall ensure that one of its pharmacists will consult with the prescriber to verify the refill instructions before dispensing the refill to any patient who requests an early refill or requests a refill before a certain date that has been specified by the prescriber in the prescription order as a "do not dispense before" date.
- c. During probation, the Respondent shall report to the Board or its designee quarterly. Said report shall be in writing. The report shall address the Respondent's compliance with the terms and condition of this Stipulation and Consent Order and shall include any further information deemed necessary by the Board from time to time.
- d. The Respondent shall submit to random inspection of its pharmacy to verify its compliance with the terms and conditions of this Stipulation and Consent Order.

8. The Respondent shall obey all federal and state laws, rules, and regulations substantially related to the operation of a pharmacy.
9. Should the Respondent violate or fail to comply with any of the terms or conditions of this Stipulation and Consent Order, the Board may initiate action to revoke or suspend the Respondent's Iowa license to operate a pharmacy or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A and 657 Iowa Administrative Code § 36.1.
10. This Stipulation and Consent Order is the resolution of a contested case. By entering into this Stipulation and Consent Order, the Respondent waives all rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to this Stipulation and Consent Order.
11. 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 party. 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 in a disciplinary action.

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13. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 17 day of July, 2002.

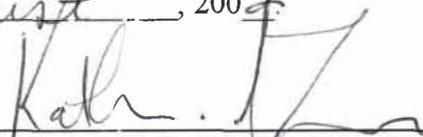
  
\_\_\_\_\_  
Greenville Pharmacy Inc.  
Robert P. Rehal, R.Ph.  
Pharmacist in charge,  
Respondent

Subscribed and sworn to before me by Robert P. Rehal, who has stated to me that he/she is the pharmacist in charge of Greenville Pharmacy Inc. and that he/she is authorized to sign this Stipulation and Consent Order on behalf of said Greenville Pharmacy Inc. on this 17<sup>th</sup> day of July, 2002.



  
\_\_\_\_\_  
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 6<sup>th</sup> day of August, 2002.

  
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KATHERINE A. LINDER, Chairperson  
Iowa Board of Pharmacy Examiners  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

cc: Shauna Russell Shields  
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:	)	Case No. 2004-12
Pharmacy License of	)	
<b>GREENVILLE PHARMACY, INC.</b>	)	<b>STATEMENT OF CHARGES</b>
License No. 667	)	
Respondent	)	

**COMES NOW**, the Complainant, Lloyd K. Jessen, and states:

1. He is the Executive Secretary/Director for the Iowa Board of Pharmacy Examiners (hereinafter referred to as the "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 (2003).
3. Effective November 26, 2003, the Board renewed Respondent general pharmacy license number 667 with Robert P. Rehal as pharmacist in charge, allowing Respondent to engage in the operation of pharmacy subject to the laws of the State of Iowa and the rules of the Board.
4. General pharmacy license number 667 is current until December 31, 2004.
5. Respondent is currently operating a general pharmacy at 2701 Correctionville, Sioux City, Iowa 51105.

**COUNT I – LACK OF PROFESSIONAL COMPETENCY**

Respondent is charged under Iowa Code § 155A.15(2)(c) (2003) and 657 Iowa Administrative Code § 36.1(4) with a lack of professional competency, as demonstrated by willful departure from, and a failure to conform to, the minimal standard and acceptable and prevailing practice of pharmacy in the state of Iowa, specifically the commission of a dispensing error and a failure to comply with administrative rules.

**COUNT II – FAILURE TO PERFORM BIENNIAL INVENTORY**

Respondent is charged under Iowa Code § 155A.15(2)(h) (2003) and 657 Iowa Administrative Code 10.35(3) and 36.1(4)(cc) with a failure to complete a biennial controlled substances inventory.

### COUNT III – FAILURE TO COMPLY WITH BOARD ORDER

Respondent is charged under Iowa Code § 272C.3(2)(a) (2003) with a failure to comply with the terms of a Stipulation and Consent Order issued by the Iowa Board of Pharmacy Examiners on July 17, 2002 which ordered Respondent to "obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy."

### THE CIRCUMSTANCES

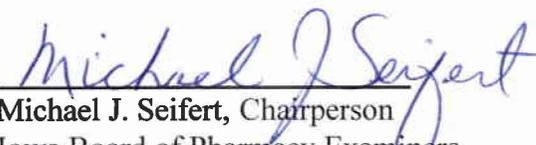
On or about February 13, 2004, an investigation of Greenville Pharmacy, Inc., was commenced, revealing the following:

1. Respondent incorrectly dispensed Toprol-XL 25mg (instead of Topamax 25mg) for a 5 year old child.
2. A routine inspection report revealed that no inventory of controlled substances had been completed since April 29, 2001, more than three years prior to the inspection which occurred on May 18, 2004.
3. The inspection also revealed (a) that pharmacy technicians at Greenville Pharmacy did not wear name badges, (b) Greenville Pharmacy did not maintain a log of pharmacists and other employees who had worked at the pharmacy, (c) Greenville Pharmacy did not maintain an identification code log for its employees, (d) Greenville Pharmacy did not have policies and procedures for training and periodic review of pharmacy technicians, (e) Greenville Pharmacy did not have policies for shipping and delivering prescription drugs and (f) Greenville Pharmacy did not routinely perform a prospective drug use review.
4. On July 17, 2002, Respondent entered into a Stipulation and Consent Order with the Iowa Board of Pharmacy Examiners. A provision of the Order in case number 2002-667 provided that Respondent's license would remain on a probationary basis through July 16, 2005. Section 8 of the order directed Respondent to "obey all federal and state laws, rules, and regulations substantially related to the operation of a pharmacy."

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 7 day of October 2003, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.

  
Michael J. Seifert, 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

GreenvillePharm-SOC.doc

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

Re:	)	Case No. 2004-12
Pharmacy License of	)	
<b>GREENVILLE PHARMACY, INC.</b>	)	<b>STIPULATION</b>
License No. 667	)	<b>AND</b>
Respondent	)	<b>CONSENT ORDER</b>

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2005), The Iowa Board of Pharmacy Examiners (hereinafter, the “Board”) and Greenville Pharmacy, Inc. (hereinafter, “Respondent”) have agreed to settle a contested case currently on file with the Iowa Board of Pharmacy Examiners. The Statement of Charges filed against Respondent on October 7, 2005, and the licensee disciplinary proceeding shall be resolved without a hearing, as the Board and Respondent have agreed to the following Stipulation and Consent Order:

1. Respondent’s license to operate a pharmacy was renewed June 6, 2004 as evidenced by Pharmacy License Number 667, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. General Pharmacy License Number 667 issued to and held by Respondent is current and in force until December 31, 2005.
3. 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 October 7, 2005.
5. Respondent does not contest the allegations set forth in the Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding,

constitute grounds for the discipline described herein.

6. Respondent's license shall be placed on probation for three (3) years, upon the following conditions:

a. Within sixty (60) days after the date of the Board's approval of this Stipulation and Consent Order, Respondent will submit to the Board a typewritten plan covering the following: (1) a continuous quality improvement (CQI) initiative relating to Respondent's pharmacy, which initiative includes specific ethical standards to be followed in handling and resolving dispensing errors, (2) a procedure to assure timely completion of the required biennial inventory of controlled substances, (3) adoption of an employee identification code, (4) creation of an employee identification code log, (5) policies and procedures for training and periodic review of pharmacy technicians, (6) creation of policies for shipping and delivering prescription drugs and (7) policies and procedures to assure that prospective drug utilization review is performed. Following review and approval by the Board, Respondent agrees to adopt, implement and adhere to the plan as approved.

b. During probation, Respondent shall file sworn quarterly reports with the Board attesting to Respondent's compliance with the terms and conditions of this Stipulation and Consent Order. The reports shall be filed not later than December 5, March 5, June 5 and September 5 of each calendar year. Respondent's quarterly reports shall identify the current pharmacist in charge, all staff pharmacists, *Respondent's most recent efforts to implement the provisions of this*

*Stipulation and Consent Order, by date*, and any further information deemed necessary by the Board from time to time.

7. Upon the Board's approval of this Stipulation and Consent Order, Respondent shall be assessed a civil penalty in the amount of \$500. This civil penalty payment shall be made payable to the Treasurer of Iowa and mailed to the executive director of the Board. All civil penalty payments shall be deposited into the State of Iowa general fund.
8. Respondent agrees to obey all federal and state laws, rules, and regulations substantially related to the operation of pharmacy.
9. Should Respondent violate or fail to comply with any of the terms or conditions of this Stipulation and Consent Order, the Board may initiate action to revoke or suspend Respondent's Iowa license to operate a pharmacy or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A and 657 Iowa Administrative Code § 36.1.
10. This Stipulation and Consent Order is the resolution of a contested case. By entering into this Stipulation and Consent Order, Respondent waives all rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to this Stipulation and Consent Order.
11. 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 party. 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 in a disciplinary action.

This Stipulation and Consent Order is voluntarily submitted by Greenville Pharmacy, Inc., to the Iowa Board of Pharmacy Examiners for its consideration on this 5 day of October 2005.

Greenville Pharmacy  
Greenville Pharmacy, Inc.  
Respondent  
By [Signature], R.Ph.  
Pharmacist In Charge

Subscribed and sworn to before me by Robert Renal, who has stated to me that he/she is the pharmacist in charge of Greenville Pharmacy, Inc., and is authorized to sign this Stipulation and Consent Order on behalf of Greenville Pharmacy, Inc., on this 5<sup>th</sup> day of October 2005.

[Signature]  
NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA



This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on this 13 day of October 2005.

[Signature]  
MICHAEL J. SEIBERT  
Iowa Board of Pharmacy Examiners  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck  
Assistant Attorney General  
Office of the Attorney General  
Hoover State Office Building  
Des Moines, Iowa 50319

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

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**IN THE MATTER OF THE STIPULATION AND CONSENT ORDER AGAINST  
GREENVILLE PHARMACY, RESPONDENT**

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**TERMINATION ORDER**

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**DATE: October 13, 2008**

1. On October 13, 2005, a Stipulation and Consent Order was accepted by the Iowa Board of Pharmacy placing the license to practice pharmacy, number 667 issued to Greenville Pharmacy, Inc., on probation for a period of three year under certain terms and conditions.

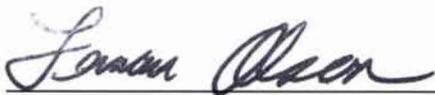
2. Respondent has successfully completed the probation as directed.

3. The Board directed that the probation placed upon the Respondent's license to practice pharmacy should be terminated.

**IT IS HEREBY ORDERED:**

That the probation placed upon the Respondent's license to practice pharmacy is terminated, and the license is returned to its full privileges free and clear of all restrictions.

**IOWA BOARD OF PHARAMCY**



Leman E. Olson, Board Chairperson  
400 SW 8<sup>th</sup> Street, Suite E  
Des Moines, Iowa 50309-4688