

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2011-70
Pharmacist License of)	
DAVID L. HALL)	STATEMENT OF CHARGES
License No. 20303,)	
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 (2011).
3. On February 6, 2006, the Board issued David L. Hall ("Respondent"), after examination, a license to engage in the practice of pharmacy as evidenced by license number 20303, 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, 2013.
5. Respondent's address of record is 909 West Marion Street, Knoxville, Iowa 50138.
6. At all times material to this statement of charges, Respondent was employed as the pharmacist in charge at the Wal-Mart Pharmacy located at 814 West Bell Avenue, Knoxville, Iowa 50138.

A. CHARGE

COUNT I – LACK OF PROFESSIONAL COMPETENCY

Respondent is charged under Iowa Code § 155A.12(1) (2011) and 657 Iowa Administrative Code § 36.1(4)(b) with lack of professional competency as demonstrated by Respondent's (a) substantial deviation from the standards of learning and skill ordinarily possessed and applied by other Iowa pharmacists, (b) failure to exercise in a substantial respect that degree of care which is ordinarily exercised by an Iowa pharmacist and (c) 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 on June 16, 2011, which revealed the following:

1. At all times material to this Statement of Charges, Respondent was employed as the pharmacist in charge at the Wal-Mart Pharmacy, 814 West Bell Avenue, Knoxville, Iowa 50138.
2. A patient presented to the pharmacy a prescription for Augmentin that required the dose for a 158 pound child to be calculated. Unwilling or unable to calculate the dose, Respondent and an intern contacted the prescriber's office.
3. The prescriber's office directed a dosage of 27ml, twice daily, approximately 4 times the usual dose. Respondent dispensed the prescription despite the over dose.
4. The patient was given two doses, each resulting in vomiting.
5. Respondent continued to be concerned about the dosage, and the next day asked another pharmacist to call the patient to ask that the medication use be discontinued.

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 7th day of March 2012, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.


SUSAN M. FREY, 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

Hall, David-SOC 2-12.doc

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2011-70
Pharmacist License of)	
DAVID L. HALL)	STIPULATED
License No. 20303)	CITATION AND
Respondent)	WARNING

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011), the Iowa Board of Pharmacy (hereinafter, "Board") and David L. Hall (hereinafter, "Respondent"), enter into the following Stipulated Citation and Warning 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 February 6, 2006, after examination, as evidenced by Pharmacist License Number 20303 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, 2013.
3. The Board has jurisdiction over the parties and jurisdiction over the subject matter of these proceedings.
4. Respondent was, at all times material to this Statement of Charges, employed as a pharmacist at Wal-Mart Pharmacy, 814 West Bell Avenue, Knoxville, Iowa 50138.
5. A Statement of Charges was filed against Respondent by the Board on March 7, 2012. Respondent has chosen not to contest the allegations and

RECEIVED

JUN 13 2012

IOWA BOARD OF PHARMACY

acknowledges that, if proven in a contested case proceeding, the allegations would constitute grounds for the discipline described herein.

6. Upon the Board's approval of this Stipulated Citation and Warning, Respondent shall be assessed a civil penalty in the amount of \$500. This civil penalty shall be paid promptly after the Board's approval of this Stipulated Citation and Warning, by check 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.

7. Respondent agrees to obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy.

8. Should Respondent violate or fail to comply with any of the terms or conditions of this Stipulated Citation and Warning, the Board may initiate action to revoke or suspend Respondent's Iowa license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2011), and 657 Iowa Administrative Code § 36.1.

9. This Stipulated Citation and Warning is the resolution of a contested case. By entering into this Stipulated Citation and Warning, Respondent waives all rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to this Stipulated Citation and Warning.

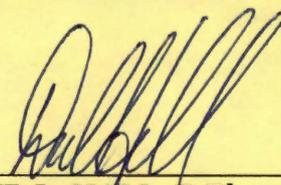
10. The State's legal counsel may present this Stipulated Citation and Warning to the Board.

11. This Stipulated Citation and Warning 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 Stipulated Citation and Warning, it shall be the full and final resolution of this matter.

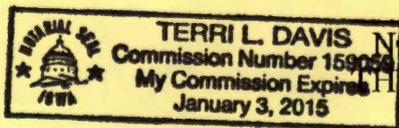
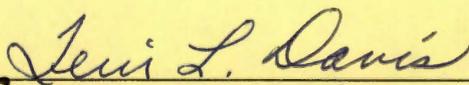
12. The Board's approval of this Stipulated Citation and Warning shall constitute a FINAL ORDER of the Board.

This Stipulated Citation and Warning is voluntarily submitted by Respondent to the Board for its consideration on the 12 day of June 2012.



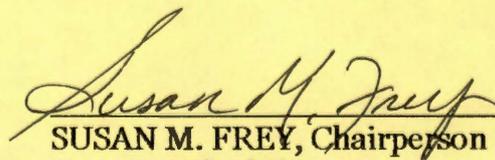
DAVID L. HALL, R.Ph.
Respondent

Subscribed and sworn to before me by David L. Hall on this 12th day of June 2012.



NOTARY PUBLIC IN AND FOR
THE STATE OF IOWA

This Stipulated Citation and Warning is accepted by the Iowa Board of Pharmacy on the 27 day of June 2012.



SUSAN M. FREY, Chairperson
Iowa Board of Pharmacy
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Theresa Weeg
Assistant Attorney General

Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

Karen Davila
Associate General Counsel
Walmart US
702 Southwest 8th Street
Bentonville, AR 72716-0185

Hall settle 6-12.doc