

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	
Pharmacist License of)	Case No. 2008-106
MARK D. HALL)	
License No. 14942,)	STATEMENT OF CHARGES
Respondent.)	

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

1. He is the Executive Director for the Iowa Board of Pharmacy 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 February 9, 1977, the Board issued Mark D. Hall (hereinafter, "Respondent"), after examination, a license to engage in the practice of pharmacy as evidenced by license number 14942, subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's Iowa pharmacist license is current and active through June 30, 2010.
5. Respondent's address of record is 6805 Jules Verne Court, Johnston, Iowa 50131.
6. At all times material to this statement of charges, Respondent was employed as the pharmacist in charge at Broadlawns Medical Center Outpatient Pharmacy, 1801 Hickman Road, Des Moines, Iowa 50314.

A. CHARGES

COUNT I – LACK OF COMPETENCY

Respondent is charged under Iowa Code § 155A.12(1) (2009) 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 as evidenced by inaccuracies in the records of controlled substance transactions at Broadlawns Outpatient Pharmacy.

COUNT II – INADEQUATE CONTROLS

Respondent is charged under Iowa Code §§ 124.306, 124.402(1), 155A.12(1) (2009), and 657 Iowa Administrative Code § 6.7, with failing to maintain adequate control over and accountability for drugs, including controlled substances.

B. CIRCUMSTANCES

An investigation commenced on October 10, 2008 which revealed the following:

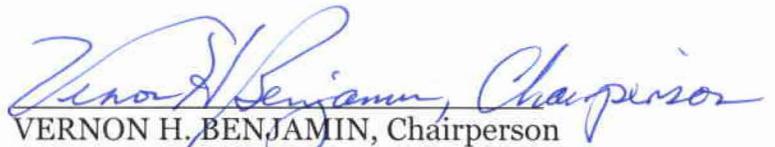
1. At all times material to this statement of charges, Respondent was employed as a pharmacist in charge at Broadlawns Medical Center Outpatient Pharmacy ("Broadlawns") in Des Moines. The pharmacy dispensed about 270,000 prescriptions in the 18 ½ month period commencing April 1, 2007 and ending October 15, 2008, which period was the subject of an audit.
2. The audit of Broadlawns' controlled substance inventory, performed by the Board's compliance officers, revealed material shortages of both Schedule II and Schedule III-V controlled substances. Of 73 Schedule II drugs in the audit, 14 shortages were noted, half of which were greater than 1%. Of 77 Schedule III-IV drugs audited, 44 shortages were revealed, 18 of which were greater than 1%.
3. Broadlawns conducted its own, separate audit which revealed differences in the size of the shortages, but nevertheless confirmed significant shortages of controlled substances. For example, Broadlawns' own audit revealed significant shortages of Guaifenesin with Codeine.
4. Broadlawns' staff audit attempted to reconcile some inventory discrepancies by combining counts of brand name and generic drugs.
5. The Broadlawns staff also acknowledged its ScriptPro system as a source of "dropped" doses, and the admissions of one former employee regarding her diversion of controlled substances. The discharged employee claims returned drugs were not safeguarded, allowing staff members to easily divert controlled substances.

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 18th day of November 2009, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.

A handwritten signature in blue ink that reads "Vernon H. Benjamin, Chairperson". The signature is fluid and cursive, with the first name and last name clearly legible.

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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BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2008-106
Pharmacist License of)	
MARK D. HALL)	STIPULATION
License No. 14942)	AND
Respondent)	CONSENT ORDER

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2009), the Iowa Board of Pharmacy (hereinafter, "Board") and Mark D. Hall (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 February 9, 1977, following examination, as evidenced by Pharmacist License Number 14942 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, 2010.
3. Respondent was, at all times material to the Statement of Charges, employed as the pharmacist in charge at Broadlawns Medical Center Outpatient Pharmacy, 1801 Hickman Road, Des Moines, Iowa 50314.
4. A Statement of Charges was filed against Respondent by the Board on November 18, 2009.
5. The Board has jurisdiction over Respondent and jurisdiction over the subject matter of

these proceedings.

6. Respondent denies the allegations as set forth in the Statement of Charges. Respondent asserts that this case arose out of a diversion of controlled substances by a former employee who was terminated and a subsequent audit. Respondent accepts responsibility as pharmacist in charge for recordkeeping deficiencies.

7. Upon the Board's approval of this Stipulation and Consent Order, Respondent shall be obligated to do the following:

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 two (2) hours of formal, structured continuing pharmacy education ("CPE") which shall be pre-approved by the Board. The CPE shall be focused on controlled substance recordkeeping. Upon completion of the 2 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. 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.

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

8. Upon the Board's approval of this Stipulation and Consent Order, Respondent shall be

assessed a civil penalty in the amount of \$2,500. This civil penalty shall be paid promptly after the Board's approval of this Stipulation and Consent Order, 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.

9. 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 (2009) and 657 IAC 36.

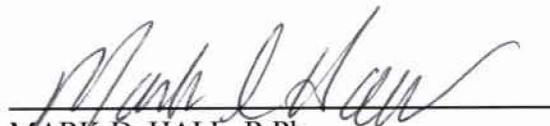
10. This Stipulation and Consent Order is the resolution of a contested case. By entering into this Stipulation and Consent Order, Respondent waives all rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to this Stipulation and Consent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

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

12. 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.

13. 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 28 day of October 2010.

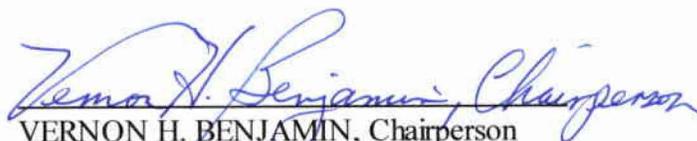

MARK D. HALL, R.Ph.
Respondent

Subscribed and sworn to before me by Mark D. Hall on this 28th day of October 2010.

CHERITIE MAHONEY
Notarial Seal, Iowa
Commission Number 761777
My Commission Expires February 10, 2013


NOTARY PUBLIC IN AND FOR
THE STATE OF IOWA

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on the 3rd day of November 2010.


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
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