

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

Re:)
Pharmacy License of)
HAMMER NCS)
HEALTHCARE PHARMACY) **STATEMENT OF CHARGES**
License No. 743)
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. General pharmacy license number 743, issued in the name of Hammer NCS HealthCare Pharmacy, is current until December 31, 1997.
4. James E. Brelsford is currently employed as the pharmacist in charge of Hammer NCS HealthCare Pharmacy and has been employed as such during all times relevant to this statement of charges.
5. Respondent currently operates a general pharmacy at 604 East Grand Avenue, Des Moines, Iowa 50309.

COUNT I

The Respondent is charged with allowing pharmacy technicians to provide the final verification for the accuracy of filled prescriptions in violation of 1997 Iowa Code §§ 155A.15(2)(c) and 155A.15(2)(e) and 657 Iowa Administrative Code Sections 6.1, 8.1(1), 9.1(4)(j), 9.1(4)(l), 9.1(4)(u), 22.12(1), and 22.13.

THE CIRCUMSTANCES

1. The Board received a complaint which alleged that, during the past ten years, Respondent routinely allowed pharmacy technicians to provide the final verification for the accuracy of filled prescriptions for nursing home residents.

2. On October 8, 1997, the Board received a written statement from James E. Brelsford which indicated that Respondent had delegated the final verification of the accuracy of prescriptions filled for nursing home residents to pharmacy technicians. He also indicated that he would "start documenting the pharmacist accepting responsibility for delegating this skill to a technician."

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 14th day of October, 1997, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.


Phyllis A. Olson, Chairperson
Iowa Board of Pharmacy Examiners
Executive Hills West
1209 East Court Avenue
Des Moines, Iowa 50319

cc: Linny Emrich
Assistant Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

RECEIVED

MAR 03 1998

IOWA PHARMACY EXAMINERS

Re:)
Pharmacist License of)
HAMMER NCS HEALTHCARE)
PHARMACY)
License No. 743)
Robert F. Wagner)
Pharmacist in charge,)
Respondent)

STIPULATION
AND
INFORMAL SETTLEMENT

On this 3rd day of March, 1998, the Iowa Board of Pharmacy Examiners and Hammer NCS HealthCare Pharmacy of Des Moines, Iowa, 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 October 14, 1997, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Informal Settlement [hereinafter "Stipulation"]:

1. That Respondent's license to operate a pharmacy was renewed on the 9th day of December, 1997, as evidenced by General Pharmacy License Number 743, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That General Pharmacy License Number 743 issued to and currently held by Respondent is current and in full force until December 31, 1998.
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 October 14, 1997.

5. This Stipulation is executed to compromise a disputed claim and constitutes no admission on the part of Respondent.

SECTION I

THEREFORE, IT IS HEREBY AGREED that General Pharmacy License Number 743 issued to Respondent is placed on probation for six (6) months from the date of approval by the Board of this Stipulation. During the probationary period the Respondent shall obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy and the distribution of controlled substances and comply with the provisions of Section II.

SECTION II

1. Within thirty (30) days of the date of approval by the Board of this Stipulation, the Respondent shall pay a civil penalty of \$15,000 by delivering 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.

2. Within sixty (60) days of the date of approval of this Stipulation by the Board, the Respondent shall submit to the Board, for its approval, its written policy and procedure for ensuring that an Iowa-licensed pharmacist provides the final verification of the accuracy of all prescriptions and medication orders filled by Respondent. Following review and approval by the Board, the Respondent shall continue to adhere to this policy and procedure; provided, however, that if applicable federal and state laws and regulations are amended or modified to permit a change to such policy and procedure the Respondent may change such policy and procedure as long as such revised policy and procedures are consistent with applicable federal and state laws and regulations.

3. The Respondent shall comply with all applicable requirements contained in 657 Iowa Administrative Code chapter 22, "Pharmacy Technicians," which became effective on April 30, 1997.

4. Respondent shall submit to random unannounced visits or inspections by the Board or agents of the Board to verify compliance with this Stipulation. After the six-month probationary period, Respondent shall submit to a comprehensive audit and review by the Board or agents of the Board to verify material compliance with the rules and regulations of the Board. The audit and review shall focus on Respondent's documentation of prescriptions and medication orders filled by Respondent, including refills of such orders and may include interviews of pharmacists and technicians who have processed prescriptions and medication orders.

5. In the event of any material violation of the terms of this Stipulation, the Board may pursue further disciplinary action as provided by Iowa law.

6. If a Statement of Charges is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final.

7. Upon successful completion of probation, Respondent's license will be fully restored.

8. This Stipulation is subject to approval of a majority of the full Board. If the Board fails to approve this Stipulation, it shall be of no force or effect to either party. If the Board approves this Stipulation, it shall be the full and final resolution of this matter.

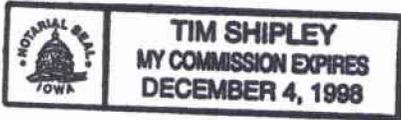
9. This Stipulation and Informal Settlement is voluntarily submitted by Respondent to the Board for its consideration on the 3rd day of March, 1998.

Robert F. Wagner RPh

HAMMER NCS HEALTHCARE PHARMACY

Robert F. Wagner
Pharmacist in charge
Respondent

Subscribed and Sworn to before me on this 2 day of MARCH, 1998.



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

10. This Stipulation and Informal Settlement is accepted by the Iowa Board of
Pharmacy Examiners on the 3rd day of March, 1998.

[Signature]

PHYLLIS A. OLSON, Chairperson
Iowa Board of Pharmacy Examiners
Executive Hills West
1209 East Court Avenue
Des Moines, Iowa 50319

cc: Linny Emrich
Assistant Attorney General
Hoover State Office Building
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