

**BEFORE THE IOWA BOARD OF PHARMACY**

Re:	)	Case No. 2010-74
Pharmacist License of	)	
<b>SANDRA HARTWIG</b>	)	<b>STATEMENT OF CHARGES</b>
License No. 17751,	)	
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 February 10, 1992, the Board issued Sandra Hartwig ("Respondent"), by reciprocity, a license to engage in the practice of pharmacy as evidenced by license number 17751, 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, 2011.
5. Respondent's address of record is 707 North Main, Kanawha, Iowa 50447.
6. At all times material to this statement of charges, Respondent was employed as the pharmacist in charge at Fedders Health Mart, 52 Main Avenue North, Britt, Iowa 50423.

**A. CHARGES**

**COUNT I – LACK OF PROFESSIONAL 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 Iowa.

**COUNT II – AIDING AND ABETTING AN UNLICENSED PHARMACIST**

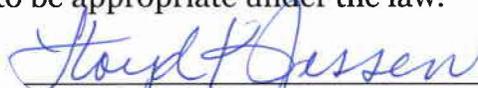
Respondent is charged under Iowa Code §§ 155A.12(1) and 155A.12(6) (2009), and 657 Iowa Administrative Code § 36.1(4)(aa), with employing an unlicensed person, and aiding and abetting an unlicensed person to engage in the practice of pharmacy.

## B. CIRCUMSTANCES

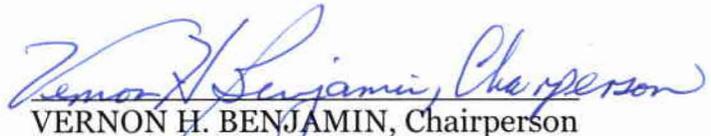
An investigation was commenced on June 28, 2010 which revealed the following:

1. At all times material to this statement of charges, Respondent was employed as the pharmacist in charge, and Harvey Eernisse was employed as a pharmacist, at Fedders Health Mart, 52 Main Avenue North, Britt, Iowa 50423.
2. On April 23, 2010 the Iowa Department of Revenue notified the Board that Eernisse was potentially subject to license sanctions pursuant to Iowa Code chapter 272D ("Debts Owed To State or Local Government – Licensing Sanctions"). The Board served Eernisse notice regarding the potential suspension of his pharmacist license on April 28, 2010. The notice provided that Eernisse's license would be suspended 60 days following receipt of the notice unless the Department of Revenue certificate of non-compliance was withdrawn.
3. The Department of Revenue did not withdraw its certificate of non-compliance. Hence, Eernisse's license was suspended on June 27, 2010.
4. After verifying that the Department of Revenue had not withdrawn its certificate of non-compliance, a Board compliance officer contacted Respondent on July 6, 2010 and suggested that she be certain Eernisse's registration was current before allowing him to work. The compliance officer was informed that Eernisse was next scheduled to work at Fedders Health Mart on July 9<sup>th</sup>.
5. Subsequently, Eernisse worked at Fedders Health Mart on July 9, 2010. Eernisse had previously worked at Fedders Health Mart on July 1, 2 and 3, 2010, with a suspended license.

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.

  
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LLOYD K. JESSEN  
Executive Director

On this 28 day of September 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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**BEFORE THE IOWA BOARD OF PHARMACY**

Re: ) Case No. 2010-74  
Pharmacist License of )  
**SANDRA HARTWIG** ) **STIPULATION**  
License No. 17751 ) **AND**  
Respondent ) **CONSENT ORDER**

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2009), the Iowa Board of Pharmacy (hereinafter, "Board") and Sandra Hartwig (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 10, 1992, by reciprocity, as evidenced by Pharmacist License Number 17751 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, 2011.
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 September 28, 2010.
5. Respondent was, at all times material to the Statement of Charges, employed as the pharmacist in charge at Fedders Health Mart, 52 Main Avenue

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**IOWA BOARD OF PHARMACY**

North, Britt, Iowa 50423.

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

a. The period of probation shall be a minimum of two (2) years provided, however, that only those time periods during which Respondent is employed as a pharmacist shall count toward exhaustion of the probationary term.

b. 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. Upon completion of the two 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.

c. 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*<sup>1</sup> pharmacy policies and procedures for verification that all pharmacy employees are properly licensed or registered. Following review and approval by the Board, Respondent agrees to adopt, implement, and adhere to these policies and procedures in her current employment setting and whenever engaging in the practice of pharmacy – unless specific policies and procedures adopted by her employer prevent such adherence.

d. 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.

e. 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, 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.

f. 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.

g. Respondent shall report to the Board or its designee quarterly, in

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

writing. The reports shall be filed not later than March 5<sup>th</sup>, June 5<sup>th</sup>, September 5<sup>th</sup> and December 5<sup>th</sup> of each calendar year and *shall include a description of Respondent's most recent efforts to comply with this Stipulation and Consent Order, by date*, and any further information deemed necessary by the Board from time to time.

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

i. Respondent shall comply with such other reasonable terms as the Board may wish to impose.

8. 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 shall be paid promptly after the Board's approval of this Stipulation and Consent Order, 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.

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 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.

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 3 day of February 2011.

Sandra Hartwig RPh  
SANDRA HARTWIG, R.Ph.  
Respondent

Subscribed and sworn to before me by Sandra Hartwig on this 3 day of February 2011.



Jody Reed  
NOTARY PUBLIC IN AND FOR  
THE STATE OF IOWA

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on the 8<sup>th</sup> day of March 2011.

Vernon H. Benjamin  
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  
Office of the Attorney General  
Hoover State Office Building  
Des Moines, Iowa 50319**

**Sandra Hartwig  
Kanawha, Iowa 50447**

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

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**IN THE MATTER OF THE STIPULATION AND CONSENT ORDER AGAINST  
SANDRA K. HARTWIG, R.Ph., RESPONDENT**

**2007-99**

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**TERMINATION ORDER**

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**DATE: March 8, 2013**

1. On March 8, 2011, a Stipulation and Consent Order was issued by the Iowa Board of Pharmacy placing the license to practice pharmacy, number 17751 issued to Sandra K. Hartwig on February 10, 1992, on probation for a period of two years under certain terms and conditions.

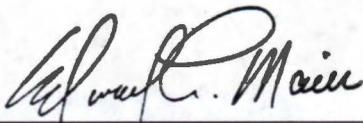
2. Respondent has successfully completed the probation as directed.

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**



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