

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

Re:)	
Pharmacy License of)	
HY VEE PHARMACY, #2)	STATEMENT OF CHARGES
License No. 967)	
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 (1999).
3. On January 4, 1999, the Board renewed Respondent's general pharmacy license number 967 with Michael L. Langin, R.Ph. 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 967 is current until December 31, 1999.
5. Respondent is currently operating a general pharmacy at 4500 Sergeant Road, Sioux City, Iowa 51106, with Michael L. Langin, R.Ph. as the pharmacist in charge.

COUNT I

The Respondent is charged under Iowa Code §§ 124.308(3), 124.402(1)(a), 124.403(1)(c), 155A.15(2)(c), 155A.15(2)(d), and 155A.15(2)(h) (1999) and 657 Iowa Administrative Code §§ 6.8, 36.1(4)(u) with failing to provide accountability for certain controlled substances.

COUNT II

The Respondent is charged under Iowa Code § 155A.15(2)(i) (1999) and 657 Iowa Administrative Code §§ 6.6 & 10.10 with failing to provide and maintain effective security, controls, and procedures to guard against the theft and diversion of prescription drugs and

controlled substances.

THE CIRCUMSTANCES

1. On or about December 15, 1998, a board investigator received information from Division of Narcotics Enforcement Special Agent Roger Timko about alleged thefts of controlled substances from Respondent's pharmacy.
2. Upon investigation, an accountability audit of Schedule III, IV, and V controlled substances at the Respondent's pharmacy revealed multiple shortages of Schedule III, IV, and V controlled drugs.
3. The investigation revealed that a theft of controlled substances did occur at Respondent's pharmacy. A pharmacy technician employed by the Respondent Pharmacy admitted to the board investigator during the course of his investigation that she had taken Phenteramine and Alprazolam from the Respondent's 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 16th day of July, 1999, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.



Arlan D. VanNorman, Chairperson
Iowa Board of Pharmacy Examiners
1209 East Court Avenue
Des Moines, Iowa 50319

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**

Re:)	
Pharmacy License of)	
HY VEE PHARMACY #2)	STIPULATION
License No. 967)	AND
Respondent)	CONSENT ORDER

COME NOW the Iowa Board of Pharmacy Examiners (“the Board”) and Hy Vee Pharmacy #2 (“Respondent”) and, pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (1999), 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 July 16, 1999, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That Respondent’s license to operate a pharmacy was renewed on January 4, 1999, as evidenced by Pharmacist License Number 967, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That General Pharmacy License Number 967 issued to and currently held by Respondent is current and in force until December 31, 1999.
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 July 16, 1999.
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. Respondent's license shall be placed on probation for one (1) year, 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 provide its *typewritten* policies and procedures for the following: (a) maintaining accountability for controlled substances and (b) providing and maintaining effective security, controls, and procedures to guard against the theft and diversion of prescription drugs and controlled substances. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to these policies and procedures whenever engaging in the practice of pharmacy.
 - b. During probation, Respondent shall file sworn quarterly reports with the Board attesting to its compliance with all the terms and conditions of this Stipulation and Consent Order. The reports shall be filed not later than December 5, 1999, March 5, 2000, June 5, 2000, and September 5, 2000. The quarterly reports shall identify the current pharmacist in charge and all staff pharmacists and any further information deemed necessary by the Board from time to time.

7. The Respondent shall comply with all of the requirements contained in 657 Iowa Administrative Code chapter 6, "General Pharmacy Licenses," and shall obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy.
8. The Respondent shall 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 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, 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. 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.

- 13. The Board's approval of this Stipulation and Consent Order shall constitute a **FINAL ORDER** of the Board in a disciplinary action.

- 14. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 24th day of Sept., 1999.

Stephen Meyer
 Hy Vee Pharmacy #2
 Respondent
 By Stephen Meyer, Its Vice President

Michael L. Langin
 Michael L. Langin, R.Ph.
 Pharmacist in charge, Hy Vee Pharmacy #2

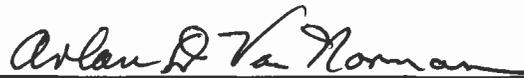
Subscribed and sworn to before me by Steve Meyer, Respondent's Vice President and Michael L. Langin, R.Ph., who has stated to me that they are the Vice President of Hy Vee Pharmacy # 2 and the pharmacist in charge of Hy Vee Pharmacy #2, respectively, and that each is authorized to sign this Stipulation and Consent Order on behalf of said Hy Vee Pharmacy #2 on this 24th day of September, 1999.

Richard S. Jorgensen
 NOTARY PUBLIC IN AND FOR THE
 STATE OF IOWA

Subscribed and sworn to before me by Stephen Meyer, Respondent's Vice President, who has stated to me that he is the Vice President of Hy-Vee, Inc. d/b/a Hy-Vee Pharmacy #2 and that he is authorized to sign this Stipulation and Consent Order on behalf of said Hy-Vee Pharmacy #2 on this 24th day of September, 1999.

Julie L. Jensen
 NOTARY PUBLIC IN AND FOR THE
 STATE OF IOWA

15. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 13 day of October, 1999.



ARLAN D. VAN NORMAN, Chairperson
Iowa Board of Pharmacy Examiners
Executive Hills West
1209 East Court Avenue
Des Moines, Iowa 50319

cc: Shauna Russell Shields
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319