

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

Re:)	Case No. 2004-13
Pharmacy License of)	
HY-VEE PHARMACY 4)	STATEMENT OF CHARGES
License No. 968)	
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 (2003).
3. Effective January 1, 2004, the Board renewed Respondent general pharmacy license number with James R. Peterson 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 968 is current until December 31, 2004.
5. Respondent is currently operating a general pharmacy at 4000 University Avenue, Waterloo, Iowa with Robert A. Goodloe as the pharmacist in charge.

A. CHARGES

COUNT I – LACK OF PROFESSIONAL COMPETENCY

Respondent is charged under Iowa Code § 155A.15(2)(c) (2003) and 657 Iowa Administrative Code § 36.1(4) 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; specifically, employment of a pharmacist who attempted to cover up a dispensing error and the failure of pharmacist in charge to discipline a pharmacist who had committed a dispensing error and then attempted to cover it up.

COUNT II – ENGAGING IN UNPROFESSIONAL CONDUCT

The Respondent is charged with engaging in unprofessional conduct in violation of Iowa Code §

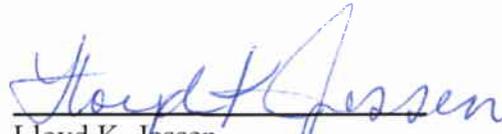
155A.15(2)(c) (2003) and 657 Iowa Administrative Code § 8.11(8) by employing a pharmacist who engages in loud and verbally abusive behavior, directed at other employees -- including his wife and several pharmacy technicians -- and customers in his workplace.

B. CIRCUMSTANCES

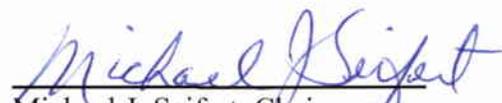
On or about February 18, 2004, an investigation was commenced which revealed the following:

1. Robert A. Goodloe is the pharmacist-in-charge at the Hy-Vee Pharmacy 4 in Waterloo. Among the other pharmacists employed in the Hy-Vee Pharmacy 4 is Goodloe's wife, Joan Farley.
2. Joan Farley mis-filled a prescription for Acyclovir with Acebutolol. The customer took three doses of Acebutolol, a medication to regulate blood pressure. The customer was also taking another medication for regulation of blood pressure.
3. After discovering the dispensing error, Joan Farley called the home of the customer and stated that the manufacturer of Acebutolol had recalled the medication which had been dispensed. Farley left a phone message asking the customer to return the remaining medication to the pharmacy, to be exchanged.
4. When the customer's daughter returned to the pharmacy to exchange the medication, she inquired about medication recalls and was told by Joan Farley that the Acebutolol was the subject of a recall that required immediate return of the medication. The customer's daughter received a new prescription fill, the second consisting of Acyclovir.
5. Subsequently, the customer's daughter compared the information provided with each of the prescription fills and noticed that the medications were different. The customer's daughter believes that Joan Farley attempted to cover up a dispensing error, depriving the customer of an opportunity to consult the customer's physician as to whether ingestion of the incorrect medication posed a health risk.
6. Joan Farley admits that no recall of Acebutolol occurred.
7. Robert A. Goodloe has taken no disciplinary action regarding the Acebutolol dispensing error and the misinformation, provided by his wife Joan Farley, in response to questions by the customer.
8. Numerous other dispensing errors -- three to five per week -- have occurred at the same pharmacy, which have been covered up in a similar fashion.
9. Robert A. Goodloe's behavior at the pharmacy has included calling his wife crude names in front of technicians and customers, yelling to store customers regarding their medications -- while the customers were in grocery check-out lanes -- making racist, sexist and otherwise off-color jokes, and threatening technicians with physical harm.

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 7 day of October 2004, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.


Michael J. Seifert, Chairperson
Iowa Board of Pharmacy Examiners
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 50319

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

Re:)	Case No. 2004-13
Pharmacy License of)	
HY-VEE PHARMACY 4)	STIPULATION
License No. 968)	AND
Respondent)	CONSENT ORDER

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2005), The Iowa Board of Pharmacy Examiners (hereinafter, the "Board") and Hy-Vee Pharmacy 4 (hereinafter, "Respondent") have agreed to settle a contested case currently on file with the Iowa Board of Pharmacy Examiners. The Statement of Charges filed against Respondent on October 7, 2004, and the licensee disciplinary proceeding shall be resolved without a hearing, as the Board and Respondent have agreed to the following Stipulation and Consent Order:

1. Respondent's license to operate a pharmacy was renewed ~~October 31,~~ 2005 as evidenced by Pharmacy License Number 968, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. General Pharmacy License Number 968 issued to and held by Respondent is current and in force until December 31, 2006.
3. 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 October 7, 2004.
5. Respondent denies the allegations contained in the Statement of Charges, but in the interest of settlement has chosen not to contest the allegations. Respondent

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

6. Respondent hereby agrees to accept a citation and warning regarding the operation of Respondent pharmacy and supervision of pharmacy personnel therein. In conjunction with the citation and warning, Respondent agrees that, within sixty (60) days after the date of the Board's approval of this Stipulation and Consent Order, Respondent will provide to the Board *typewritten* pharmacy policies and procedures for the following: (a) appropriate handling – by all pharmacy personnel – of situations involving a dispensing error, (b) dealing with and disciplining employees who have engaged in misconduct, and (c) management action in response to misconduct – or evidence of misconduct – by the pharmacist in charge. Following review and approval by the Board, Respondent agrees to adopt, implement, and adhere to such policies and procedures.

7. Upon the Board's approval of this Stipulation and Consent Order, Respondent shall be assessed a civil penalty in the amount of \$2500. This civil penalty payment shall be 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.

8. Respondent agrees to 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 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

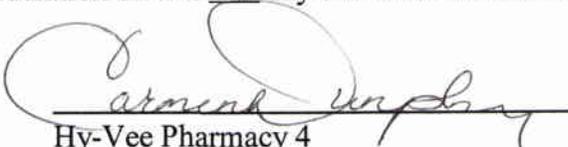
§ 36.1.

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

This Stipulation and Consent Order is voluntarily submitted by Hy-Vee Pharmacy 4 to the Iowa Board of Pharmacy Examiners for its consideration on this 22 day of November 2005.

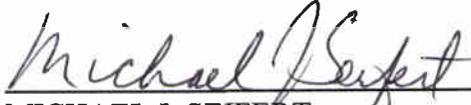

Hy-Vee Pharmacy 4
Respondent
By Carmen Durphy, R.Ph.
Pharmacist In Charge

Subscribed and sworn to before me by Carmen Durphy, who has stated to me that he/she is the pharmacist in charge of Hy-Vee Pharmacy 4 and is authorized to sign this Stipulation and Consent Order on behalf of Hy-Vee Pharmacy 4 on this 22nd day of November 2005.




NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on this 26 day of January 2007.6


MICHAEL J. SEIFERT
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