

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

Re:)	Case No. 2003-36
Pharmacy License of)	
DRUGTOWN/CLINIC PHARMACY)	STATEMENT OF CHARGES
License No. 1148)	
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 October 10, 2002, the Board renewed Respondent general pharmacy license number 1148 with Jacqueline J. Johnson 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 1148 is current until December 31, 2003.
5. Respondent is currently operating a general pharmacy at 109½ Walnut Street, Columbus Junction, Iowa.

A. CHARGES

COUNT I – LACK OF PROFESSIONAL COMPETENCY

Respondent is charged under Iowa Code § 155A.15(2) (2003) and 657 Iowa Administrative Code § 36.1(4) with a lack of professional competency, including a failure to exercise in a substantial respect that degree of care which is ordinarily exercised by the average pharmacy in the state of Iowa acting under the same or similar circumstances.

COUNT II – IMPROPER DELEGATION OF PHARMACIST FUNCTIONS

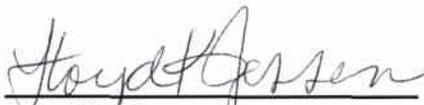
Respondent is charged under Iowa Code § 155A.15(2) (2003) and 657 Iowa Administrative Code §§ 6.7(3) and 36.1(4)(i) and (l) with the improper delegation, to supportive personnel, of pharmacist functions such as filling, providing final verification of and dispensing prescriptions.

B. FACTUAL CIRCUMSTANCES

On or about April 24, 2003 an investigation was commenced which revealed the following:

1. On April 9, 2003, Ray Couchman brought a prescription for lisinopril/HCTZ (for treatment of high blood pressure) to Respondent. Couchman's prescription was filled, instead, with glyburide 5mg (for treatment of type 2 diabetes). Pharmacist Todd Thompson filled the prescription from a stock bottle labeled lisinopril/HCTZ. The stock bottle was subsequently discovered to contain glyburide 5mg.
2. Mr. Couchman, who had been taking lisinopril/HCTZ for a significant period of time, noticed the dispensing error upon opening the medication. Couchman called the Respondent pharmacy and spoke with technician Nancy Turner. Turner verified that the pills given to Mr. Couchman had the same appearance as other tablets contained in a stock bottle labeled lisinopril/HCTZ. She then told Couchman that the difference in appearance (from his prior prescriptions) was probably the result of the medication being a new, generic product.
3. On April 15, 2003, after apparently taking glyburide for several days, Mr. Couchman went into hypoglycemic shock and has since died.

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 29 day of July, 2003, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.

Kay Bolton, for

Katherine A. Linder, 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

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

Re:)	Case No. 2003-36
Pharmacy License of)	
DRUGTOWN/CLINIC PHARMACY)	STIPULATION
License No. 1148)	AND
Respondent)	CONSENT ORDER

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2003), The Iowa Board of Pharmacy Examiners (hereinafter, the "Board") and Drugtown/Clinic Pharmacy (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 July 29, 2003, 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 December 18, 2003 as evidenced by Pharmacy License Number 1148, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. General Pharmacy License Number 1148 issued to and held by Respondent is current and in force until December 31, 2004.
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 July 29, 2003.
5. Respondent denies the allegations set forth in the Statement of Charges, but enters into this Agreement voluntarily in order to resolve the Statement of Charges without the

necessity of a hearing.

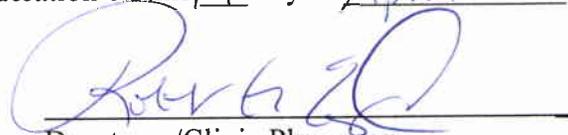
6. Respondent's license shall be placed on probation for three (3) years, upon the following conditions:

a. Within sixty (60) days after the date of the Board's approval of this Stipulation and Consent Order, Respondent will propose to the Board *typewritten* pharmacy policies and procedures for the following: (1) education of technicians regarding the appropriate technician role in a pharmacy, (2) instruction of all pharmacy personnel regarding limitations on technician activity, (3) training of relief pharmacists regarding the role of technicians and (4) training of relief pharmacists regarding reduction of dispensing errors and appropriate responses to knowledge of a dispensing error. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to these policies and procedures.

b. During probation, Respondent shall file sworn quarterly reports with the Board attesting to Respondent's compliance with the terms and conditions of this Stipulation and Consent Order. The reports shall be filed not later than December 5, March 5, June 5 and September 5 of each calendar year. Respondent's quarterly reports shall identify the current pharmacist in charge, all staff pharmacists, Respondent's most recent efforts to implement the provisions of this Stipulation and Consent Order, by date, and any further information deemed necessary by the Board from time to time.

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 Drugtown/Clinic Pharmacy to the Iowa Board of Pharmacy Examiners for its consideration on this 19 day of April 2004.



Drugtown/Clinic Pharmacy
Respondent

By Robert G. Egeland
Assistant Vice President,
Pharmacy Operations of
Hy-Vee, Inc. d/b/a Drug Town

Subscribed and sworn to before me by Robert G. Egeland, who has stated to me that he/she is the pharmacist in charge of Drugtown/Clinic Pharmacy and is authorized to sign this Stipulation and Consent Order on behalf of Drugtown/Clinic Pharmacy on this 19th day of April 2004.



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 13 day of July 2004.



Chairperson
Iowa Board of Pharmacy Examiners
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

Edwin N. McIntosh
Dorsey & Whitney
801 Grand Avenue,
Des Moines, IA 50309

BEFORE THE BOARD OF PHARMACY STATE OF IOWA

**IN THE MATTER OF THE STIPULATION AND CONSENT ORDER AGAINST
DRUGTOWN/CLINIC PHARMACY, RESPONDENT**

2003-36

TERMINATION ORDER

DATE: July 13, 2007

1. On July 13, 2004, a Stipulation and Consent Order was issued by the Iowa Board of Pharmacy placing Respondent's license, number 1148 issued to Drugtown/Clinic Pharmacy, on probation for a period of three 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


Paul Abramowitz, Board Chairperson
400 SW 8th Street, Suite E
Des Moines, Iowa 50309-4688