

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

Re:)	Case No. 2005-110
Pharmacy License of)	
Hy-Vee Drugstore Clinic Pharmacy (7060-3))	STATEMENT OF CHARGES
License No. 484)	
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 (2005).
3. Effective December 20, 2005, the Board renewed Respondent's general pharmacy license number 484 with Joan Hodges 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. During all times relevant to this statement of charges, Scott J. Rollinger was the pharmacist in charge of Hy-Vee Drugstore (7060-3).
4. General pharmacy license number 484 is current until December 31, 2006.
5. Respondent is currently operating a general pharmacy at 312 N. Second Street, Wapello, Iowa 52653, with Joan Hodges as the pharmacist in Charge.

A. CHARGES

COUNT I – INADEQUATE SECURITY

Respondent is charged under Iowa Code § 155A.15(2)(i) (2005) and 657 Iowa Administrative Code §§ 6.2(155A), 6.7(124,155A), 10.15(124,155A) and 36.1(4)(u) with a failure to establish adequate security and effective controls against diversion of prescription drugs.

COUNT II – FAILURE TO MAINTAIN ADEQUATE CONTROLS

Respondent is charged with failing to maintain accurate control over and accountability for drugs, including controlled substances, in violation of Iowa Code §§ 124.308(3), 124.402(1)(a), 155A.15(2)(c) and (2)(i) (2005) and 657 Iowa Administrative Code 6.7(124,155A).

B. CIRCUMSTANCES

Circumstances supporting the above charges are set forth in Attachment A.

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 17 day of July 2006, 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, IA 50319

Hy-Vee Drugstore Clinic Pharmacy (7060-3)
Attn: Joan Hodges, Pharmacist in Charge
312 N Second St.
Wapello, IA 52653

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

Re:)	Case No. 2005-110
Pharmacy License of)	
HY-VEE DRUGSTORE CLINIC)	STIPULATION
PHARMACY (7060-3))	AND
License No. 484)	CONSENT ORDER
Respondent)	

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2005), The Iowa Board of Pharmacy Examiners (hereinafter, the "Board") and Hy-Vee Drugstore Clinic Pharmacy #7060-3 (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 17, 2006, 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 20, 2005 as evidenced by Pharmacy License Number 484, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. General Pharmacy License Number 484 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 July 17, 2006.
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's license shall be placed on probation for two (2) 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*¹ pharmacy policies and procedures for the following: (1) utilization of pharmacy technicians, (2) maintenance of adequate controls over, and accountability for, all drugs, including controlled substances and, (3) general pharmacy security and effective controls against diversion. Following review and approval by the Board, Respondent agrees to adopt, implement, and adhere to these policies and procedures.

b. During probation, the *Pharmacist in Charge* of 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.

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

c. Respondent will maintain perpetual inventories of all Schedule II and Schedule III controlled substances.

7. Upon the Board's approval of this Stipulation and Consent Order, Respondent shall be assessed a civil penalty in the amount of \$1500. 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.

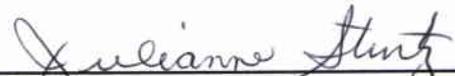
This Stipulation and Consent Order is voluntarily submitted by Hy-Vee Drugstore Clinic Pharmacy (7060-3) to the Iowa Board of Pharmacy Examiners for its consideration on this 13 day of November 2006.



Hy-Vee Drugstore Clinic Pharmacy (7060-3)
Respondent
By Joan Hodges, R.Ph.
Pharmacist In Charge

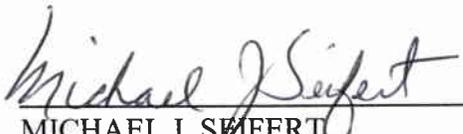
Subscribed and sworn to before me by Joan Hodges, who has stated to me that she is the pharmacist in charge of Hy-Vee Drugstore Clinic Pharmacy (7060-3) and is authorized to sign this Stipulation and Consent Order on behalf of Hy-Vee Drugstore Clinic Pharmacy (7060-3) on this 13 day of November 2006.





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 16th day of January 2006.7



MICHAEL J. SEIFERT
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

HyVee Wapello-settlement.doc

BEFORE THE BOARD OF PHARMACY STATE OF IOWA

**IN THE MATTER OF THE STIPULATION AND CONSENT ORDER AGAINST
HY-VEE DRUGSTORE CLINIC, RESPONDENT**

2005-110

TERMINATION ORDER

DATE: January 19, 2009

1. On January 16, 2007, a Stipulation and Consent Order was accepted by the Iowa Board of Pharmacy placing the license to practice pharmacy, number 484 issued to Hy-Vee Drugstore Clinic, on probation for a period of two year 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



Leman E. Olson, Board Chairperson
400 SW 8th Street, Suite E
Des Moines, Iowa 50309-4688