

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

Re:)	Case No. <u>99-60</u>
Pharmacy License of)	
DRUGTOWN)	STATEMENT OF CHARGES
License No. 60)	
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. As of January 1, 1999, the Board renewed Respondent general pharmacy license number 60 with Glen H. Madsen 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 60 is current until December 31, 1999.
5. Respondent is currently operating a general pharmacy at 2709 Seventh Avenue, Marion, Iowa 52302, with Glen H. Madsen as the pharmacist in charge.

COUNT I

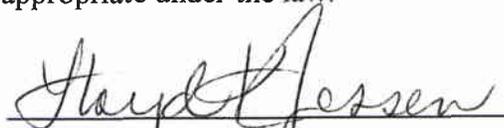
The Respondent is charged under Iowa Code § 155A.15(2)(c) (1999) and 657 Iowa Administrative Code §§ 6.2(1)(a) & (b), 8.20, 36.1(4)(b)(4) with failure to ensure that its pharmacists provide adequate patient counseling .

THE CIRCUMSTANCES

1. On or about August 31, 1999, the Board office received a complaint about two instances in which the patient believed the Respondent's pharmacy had dispensed medications with the incorrect directions and/or dosages.

2. An investigation into the complaint revealed that the dosages and directions provided to the complainant were not, in fact, incorrect; but that the dispensing pharmacists had not counseled the patient regarding the medications and their directions for use.
3. Proper patient counseling regarding the medications dispensed to the complainant would have prevented the patient's misunderstanding regarding the prescriptions that were dispensed to the patient.

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 Nov., 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:)	Case No. 99-60
Pharmacy License of)	
DRUGTOWN)	STIPULATION
License No. 60)	AND
Respondent)	CONSENT ORDER
)	

COME NOW the Iowa Board of Pharmacy Examiners (“the Board”) and Drugtown, R.Ph. (“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 November 16, 1999, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

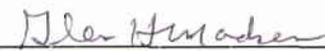
1. That Respondent’s license to operate a general pharmacy in Iowa was renewed as of the first day of January, 2001, as evidenced by Pharmacy License Number 60, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacy License Number 60, issued to and held by Respondent is active and current until December 31, 2001.
3. Respondent is currently operating a general pharmacy at 2709 Seventh Avenue,

Marion, Iowa 52302.

4. A Statement of Charges was filed against Respondent on November 16, 1999.
5. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.
6. This Stipulation and Consent Order is entered into in order to resolve disputed claims and constitutes no admission on the part of the Respondent.
7. Respondent is hereby **REPRIMANDED** for the alleged violations set forth in the Statement of Charges.
8. 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.
9. 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.
10. The Board's approval of this Stipulation and Consent Order shall constitute a **FINAL ORDER** of the Board in a disciplinary action.

11. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 9 day of March, 2001.


Drugtown
Respondent
By _____, Its Executive Vice President
City-Vice, Inc.
DBA Drugtown


Glen H. Madsen, R.Ph.
Pharmacist in Charge

Subscribed and sworn to before me by Glen H. Madsen, Respondent's Glen H. Madsen and Glen H. Madsen, R.Ph., who has stated to me that they are the _____ of Drugtown pharmacy and the pharmacist in charge of Drugtown pharmacy, respectively, and that each is authorized to sign this Stipulation and Consent Order on behalf of said Drugtown pharmacy on this 9th day of March, 2001.


NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA
Exp. 7-24-2001

12. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 17 day of April, 2001.

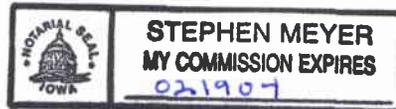

MATTHEW C. OSTERHAUS, Chairperson
Iowa Board of Pharmacy Examiners
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

STATE OF IOWA)
) ss.
POLK COUNTY)

On this 9th day of March, 2001, before me, the undersigned, a Notary Public in and for the state of Iowa, personally appeared Richard N. Jurgens, to me personally known, who being by me duly sworn did say that he is the Executive Vice President of Hy-Vee, Inc. d/b/a Drug Town; that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and that the said Richard N. Jurgens as such officer acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by him voluntarily executed.

Stephen Meyer

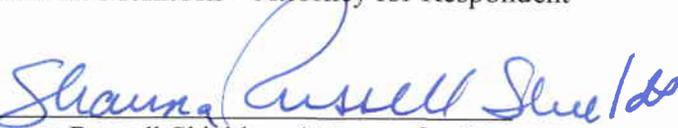
Notary Public in and for the
State of Iowa



APPROVED AS TO FORM:



Edwin N. McIntosh – Attorney for Respondent



Shauna Russell Shields – Attorney for State

cc: Edwin N. McIntosh
Dorsey & Whitney L.L.P.
801 Grand, Suite 3900
Des Moines, Iowa 50309

ATTORNEY FOR RESPONDENT

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

ATTORNEY FOR STATE