

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

Re:)	Case No. 2006-05
Pharmacist License of)	
LUANN IHNKEN)	STATEMENT OF CHARGES
License No. 17768)	
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. On February 24, 1992, the Board issued Respondent, LuAnn Ihnken, by examination, a license to engage in the practice of pharmacy as evidenced by license number 17768, subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's pharmacist license is current and active until June 30, 2007.
5. Respondent's current address is 1503 East 17th, Atlantic, Iowa 50022.
6. Respondent was, at all times material, employed as the pharmacist in charge at Atlantic medical Center Pharmacy, 1501 East 10th Street, Atlantic, Iowa 50022.

A. CHARGES

COUNT I – LACK OF PROFESSIONAL COMPETENCY

The Respondent is charged with lack of professional competency in violation of Iowa Code §§ 155A.12(2)(c) (2005) and 657 Iowa Administrative Code 36.1(4)(b), 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.

COUNT II – DISPENSING MISLABELED DRUGS

The Respondent is charged with dispensing mislabeled prescription drugs in violation of Iowa Code § 155A.15(2)(f) and 657 Iowa Administrative Code 36.1(4)(c).

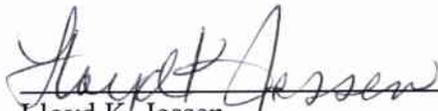
COUNT III – PRESCRIPTION PROCESSING DOCUMENTATION

The Respondent is charged with failing to maintain complete and adequate records relating to documentation of receipt of new or refill prescription authorization in violation of Iowa Code § 155A.12(4) and 657 Iowa Administrative Code 6.8(124,155A).

B. CIRCUMSTANCES

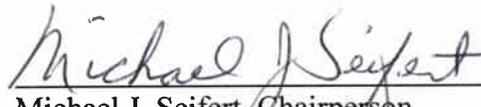
Circumstances supporting the above charges are set forth in Attachment A.

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 15 day of Nov. 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

P:\My Documents\Business\Disciplinary Matters\Statement of Charges\Ihnken LuAnn.doc

BEFORE THE IOWA BOARD OF PHARMACY

Re:

Pharmacist License of
LUANN IHNKEN
License No. 17768
Respondent

)
)
)
)
)

Case No. 2006-05

**STIPULATION
AND
CONSENT ORDER**

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2009), the Iowa Board of Pharmacy (hereinafter, “the Board”) and Lu~~A~~nn Ihnken (hereinafter, “Respondent”), enter into the following Stipulation and Consent Order settling a licensee disciplinary proceeding currently pending before the Board.

Allegations specified in a Statement of Charges filed against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

1. Respondent was issued a license to practice pharmacy in Iowa on February 24, 1992, following examination, as evidenced by Pharmacist License Number 17768, which is recorded in the permanent records of the Board.
2. The Iowa Pharmacist License issued to and held by Respondent is active and current until June 30, 20~~09~~¹¹.
3. Respondent was, at times material to the Statement of Charges, employed as the pharmacist in charge at the Atlantic Medical Center Pharmacy, 1501 East 10th Street, Atlantic, Iowa 50022.
4. A Statement of Charges was filed against Respondent on November 15, 2006.
5. The Board has jurisdiction over the parties and jurisdiction over the subject matter of these proceedings.

6. Respondent does not contest the allegations set forth in the Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline described herein.

7. On the date of the Board's approval of this Stipulation and Consent Order, Respondent's license shall be placed on probation. The period of probation shall be not less than two (2) years. Respondent's period of probation shall begin on the date of this order and continue for two (2) years or until Respondent has been employed as a pharmacist in Iowa for two (2) years subsequent to commencement of probation. Only those time periods during which Respondent is employed as a pharmacist in Iowa shall count toward satisfaction of the probation requirement. After Respondent has successfully completed one year of probation, she may petition the Board for termination of the remaining period of her probation.

8. Probation is granted under the following conditions, which Respondent agrees to follow:

a. Within six (6) months after the date of the Board's approval of this Stipulation and Consent Order, Respondent shall complete continuing pharmacy education ("CPE") or other formal, structured education in ethics, record keeping and the responsibility of a pharmacist in charge to supervise pharmacy employees. The CPE shall be not less than nine (9) hours in length and shall be pre-approved by the Board. Documentation of satisfactory completion of the education shall be promptly submitted to the Board. This CPE shall be in addition to – not in lieu of

– the thirty (30) hours of continuing pharmacy education required every two years for license renewal.

b. Within sixty (60) days after the date of the Board's approval of this Stipulation and Consent Order, Respondent will submit to the Board *typewritten*¹ pharmacy policies and procedures for obtaining and maintaining accurate prescription information prior to the dispensing of prescription medications. Following review and approval by the Board, Respondent agrees to adopt, implement, and adhere to these policies and procedures in both her current employment setting – unless specific policies and procedures adopted by her employer prevent such adherence – and whenever engaging in the practice of pharmacy.

c. Respondent shall inform the Board, in writing, of any change of home address, place of employment, home telephone number, or work telephone number, within ten (10) days of such a change.

d. During probation, Respondent shall report to the Board or its designee quarterly, in writing. The report shall include Respondent's place of employment, current address, *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.

e. Respondent shall not serve as a preceptor.

f. Respondent shall notify all present employers and prospective employers

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

(no later than at the time of an employment interview), including any pharmacist-in-charge, of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this Stipulation and Consent Order.

g. Within thirty (30) days after approval of this Stipulation and Consent Order by the Board, and within fifteen (15) days of undertaking new employment as a pharmacist, Respondent shall cause her present pharmacy employer, and any pharmacist-in-charge she works under, to report to the Board in writing acknowledging that the employer and the pharmacist-in-charge have read this document and understand it.

h. Respondent shall appear informally before the Board, upon the request of the Board, for the purpose of reviewing her performance as a pharmacist during his probationary period. Respondent shall be given reasonable notice of the date, time, and place for the appearances.

i. Respondent shall obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy.

9. Upon the Board's approval of this Stipulation and Consent Order, Respondent shall be assessed a civil penalty in the amount of \$500. This civil penalty payment shall be made payable to the Treasurer of Iowa and promptly mailed to the executive director of the Board. All civil penalty payments shall be deposited into the State of Iowa general fund.

10. Should the 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 pharmacist license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2009) and 657 IAC 36.

11. 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.

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 the Board or Respondent. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.

13. The State's counsel may present this Stipulation and Consent Order to the Board.

14. 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 Respondent to the Board for its consideration on the 28 day of July 2009.

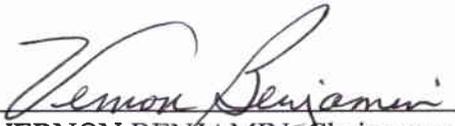
Luann Ihnken RPh
LUANN IHNKEN, R.Ph.
Respondent

Subscribed and sworn to before me by Luann Ihnken on this 28 day of July 2009.



Lorna M. Heisebeck
NOTARY PUBLIC IN AND FOR
THE STATE OF IOWA

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on the 22nd day of Sept. 2009.


VERNON BENJAMIN, Chairperson
Iowa Board of Pharmacy
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 5031

Robert R. Holz, Jr.
Attorney
215 10th Street,
Ste. 1300,
Des Moines, IA 50309-3993.

Ihnken settlement.doc