

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

Re: Pharmacy License of	}	
INDIAN HILLS PHARMACY	}	COMPLAINT
License No. 260	}	AND
Wendell W. Simmonds,	}	STATEMENT
Pharmacist in charge,	}	OF CHARGES
Respondent	}	AND
		NOTICE OF HEARING

COMES NOW, Lloyd K. Jessen, Executive Secretary/Director of the Iowa Board of Pharmacy Examiners, on the 3rd day of September, 1992, and files this Complaint and Statement of Charges and Notice of Hearing against Indian Hills Pharmacy, a pharmacy licensed pursuant to Iowa Code chapter 155A, and alleges that:

1. Alan M. Shepley, Chairperson; Marian L. Roberts, Vice Chairperson; Donna J. Flower; Phyllis A. Miller; Phyllis A. Olson; Ronald B. Reiff; and Arlan D. Van Norman are duly appointed, qualified members of the Iowa Board of Pharmacy Examiners.

2. Respondent is licensed to operate a pharmacy at 1551 Indian Hills Drive in Sioux City, Woodbury County, Iowa, and holds license number 260.

3. General pharmacy license number 260, issued in the name of Indian Hills Pharmacy, with Wendell W. Simmonds as pharmacist in charge, was renewed on December 31, 1991, and is current until December 31, 1992.

4. An inspection of Indian Hills Pharmacy was conducted by Pharmacy Investigator Morrell A. Spencer on October 29, 1987. The results of that inspection as reported by Investigator Spencer's inspection report reveal that Respondent failed to maintain a current pharmacy library as required. The following library references were unavailable: (1) the latest edition and supplements to the USP/NF; (2) the latest edition and supplements to the USP DI Volume I; (3) the latest edition and supplements to the USP DI Volume II; and (4) the current edition of the Iowa Pharmacy Law and Information Manual.

5. An inspection of Indian Hills Pharmacy was conducted by Pharmacy Investigator Holger A. Christensen on October 30, 1989. The results of that inspection as reported by Investigator Christensen's inspection report reveal that Respondent failed to maintain a current pharmacy library as required. The following

library references were unavailable: (1) the latest edition and supplements to the USP DI Volume I; (2) the latest edition and supplements to the USP DI Volume II; and (3) the current edition of the Iowa Pharmacy Law and Information Manual.

6. An inspection of Indian Hills Pharmacy was conducted by Pharmacy Investigator Morrell A. Spencer on January 30, 1991. The results of that inspection as reported by Investigator Spencer's inspection report reveal that Respondent failed to maintain a current pharmacy library as required. The following library references were unavailable: (1) the latest edition and supplements to the USP DI Volume I; and (2) the latest edition and supplements to the USP DI Volume II.

7. An inspection of Indian Hills Pharmacy was conducted by Pharmacy Investigator Morrell A. Spencer on April 7, 1992. The results of that inspection as reported by Investigator Spencer's inspection report reveal that Respondent failed to maintain a current pharmacy library as required. The following library references were unavailable: (1) the latest edition and supplements to the USP DI Volume IA and IB, Drug Information for the Health Care Provider; (2) the latest edition and supplements to the USP DI Volume II, Advice for the Patient; (3) the latest edition and supplements to the Approved Drug Products With Therapeutic Equivalence Evaluations or USP DI Volume III; and (4) the current edition of the Iowa Pharmacy Law and Information Manual.

8. Respondent is guilty of violations of 1991 Iowa Code sections 155A.15(2)(c) and 155A.31 by virtue of the allegations in paragraphs 4, 5, 6, and 7.

1991 Iowa Code section 155A.15 provides, in part, the following:

2. The board shall refuse to issue a pharmacy license for failure to meet the requirements of section 155A.13. The board may refuse to issue or renew a license or may impose a fine, issue a reprimand, or revoke, restrict, cancel, or suspend a license, and may place a licensee on probation, if the board finds that the applicant or licensee has done any of the following:...

c. Violated any provision of this chapter or any rule adopted under this chapter or that any owner or employee of the pharmacy has violated any provision of this chapter or any rule adopted under this chapter.

1991 Iowa Code section 155A.31 provides the following:

A licensed pharmacy in this state shall maintain a reference library pursuant to rules of the board.

9. Respondent is guilty of violations of 657 Iowa Administrative Code sections 6.3, 8.5(4), 9.1(4)(b)(4), 9.1(4)(j), and 9.1(4)(u) by virtue of the allegations in paragraphs 4, 5, 6, and 7.

657 Iowa Administrative Code section 6.3 provides the following:

Reference library. Each pharmacy shall have, as a minimum, the following:

1. The latest edition and supplements to the USP DI, Advice for the Patient;
2. The latest edition and supplements to the USP DI, Drug Information for the Health Care Provider;
3. Current toxicology reference text or telephone number of a poison control center;
4. Current state pharmacy laws.
5. The latest edition and supplements to Approved Drug Products With Therapeutic Equivalence Evaluations or USP DI, Volume III.

657 Iowa Administrative Code section 8.5 provides, in part, the following:

(4) Nonconformance with law. A pharmacist shall not knowingly serve in a pharmacy which is not operated in conformance with law, or which engages in any practice which if engaged in by a pharmacist would be unethical conduct.

657 Iowa Administrative Code section 9.1(4) provides, in part, the following:

The board may impose any of the disciplinary sanctions set out in subrule 9.1(2), including civil penalties in an amount not to exceed \$25,000, when the board determines that the licensee or registrant is guilty of the following acts or offenses:...

b. Professional incompetency. Professional incompetency includes but is not limited to:

....

(4) A willful or repeated departure from, or the failure to conform to, the minimal standard or acceptable and prevailing practice of pharmacy in the state of Iowa.

....

j. Violating a statute or law of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, which statute or law relates to the practice of pharmacy.

....

u. Violating any of the grounds for revocation or suspension of a license listed in Iowa Code sections 147.55, 155A.12 and 155A.15.

The Iowa Board of Pharmacy Examiners finds that paragraphs 8 and 9 constitute grounds for which Respondent's license to operate a pharmacy in Iowa can be suspended or revoked.

WHEREFORE, the undersigned charges that Respondent Indian Hills Pharmacy has violated 1991 Iowa Code sections 155A.15(2)(c) and 155A.31 and 657 Iowa Administrative Code sections 6.3, 8.5(4), 9.1(4)(b)(4), 9.1(4)(j), and 9.1(4)(u).

IT IS HEREBY ORDERED, pursuant to Iowa Code section 17A.12 and 657 Iowa Administrative Code section 1.2, that Wendell W. Simmonds appear on behalf of Indian Hills Pharmacy before the Iowa Board of Pharmacy Examiners on Monday, October 12, 1992, at 2:00 p.m., in the second floor conference room, 1209 East Court Avenue, Executive Hills West, Capitol Complex, Des Moines, Iowa.

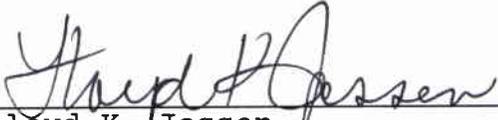
The undersigned further asks that upon final hearing the Board enter its findings of fact and decision to suspend, revoke, or not renew the license to operate a pharmacy issued to Indian Hills Pharmacy on December 31, 1991, and take whatever additional action that they deem necessary and appropriate.

Respondent may bring counsel to the hearing, may cross-examine any witnesses, and may call witnesses of its own. If Respondent fails to appear and defend, Iowa Code section 17A.12(3) provides that the hearing may proceed and that a decision may be rendered. The failure of Respondent to appear could result in the permanent suspension or revocation of its license.

The hearing will be presided over by the Board which will be assisted by an administrative law judge from the Iowa Department of Inspections and Appeals. The office of the Attorney General is responsible for the public interest in these proceedings.

Information regarding the hearing may be obtained from Lynette A. F. Donner, Assistant Attorney General, Hoover Building, Capitol Complex, Des Moines, Iowa 50319 (telephone 515/281-8760). Copies of all filings with the Board should also be served on counsel.

IOWA BOARD OF PHARMACY EXAMINERS



Lloyd K. Jessen
Executive Secretary/Director

BEFORE THE IOWA BOARD OF PHARMACY EXAMINERS

Re: Pharmacy License of)	DIA NO. 93PHB-2
)	
INDIAN HILLS PHARMACY)	PROPOSED FINDINGS OF FACT,
License No. 260)	CONCLUSIONS OF LAW,
Wendell W. Simmonds,)	DECISION, AND ORDER
Pharmacist in charge,)	OF THE PANEL
)	
Respondent)	

TO: INDIAN HILLS PHARMACY

A Complaint and Statement of Charges and Notice of Hearing was filed by Lloyd K. Jessen, Executive Secretary of the Iowa Board of Pharmacy Examiners (Board) on September 3, 1992. The Complaint alleged that the Respondent had violated a number of pharmacy-related statutes and rules. The Complaint and Statement of Charges included the Notice of Hearing, which set the hearing for October 12, 1992. The hearing, which was rescheduled, was held before a panel of the Board on March 2, 1993, at 9:00 a.m. at Executive Hills West, 1209 East Court Avenue, Des Moines, Iowa. The panel included Alan M. Shepley, Chairperson; Phyllis A. Miller; and Arlan D. Van Norman. Lynette Donner, Assistant Attorney General, appeared on behalf of the state. The Respondent, Wendell W. Simmonds, appeared pro se. Margaret LaMarche, Administrative Law Judge from the Iowa Department of Inspections and Appeals, presided. All of the testimony was recorded by a certified court reporter. The hearing was closed to the public at the Respondent's request pursuant to Iowa Code section 258A.6(1). After hearing the testimony and examining the exhibits, the panel convened to deliberate its decision, and instructed the administrative law judge to prepare their Proposed Decision.

THE RECORD

The record includes the Complaint and Statement of Charges and Notice of Hearing, the notice rescheduling the hearing, the recorded testimony of the witnesses, and the following exhibits:

- Exhibit A: Inspection report dated October 29, 1987.
- Exhibit B: Inspection report dated October 30, 1989.
- Exhibit C: Inspection report dated January 30, 1991
- Exhibit D: Complaint report dated June 4, 1991, with attached statement dated May 29, 1992.

Exhibit E: Inspection report dated April 7, 1992, with attached statement.

FINDINGS OF FACT

1. Respondent was issued a license to practice pharmacy in Iowa on July 1, 1976, by examination. Respondent's license to practice pharmacy is current until June 30, 1993. (official file)
2. Respondent is 20 percent owner and employed as pharmacist in charge of Indian Hills Pharmacy, 1551 Indian Hills Drive, Sioux City, Iowa 51104. (testimony of Morrell Spencer, Respondent)
3. On October 29, 1987, Pharmacy Investigator Morrell A. Spencer conducted an inspection of the Indian Hills Pharmacy and concluded that the Respondent failed to maintain a current pharmacy library as required. The following library references were unavailable; (1) the latest edition and supplements to the USP/NF; (2) the latest edition and supplements to the USP DI Volume I; (3) the latest edition and supplements to the USP DI Volume II; and (4) the current edition of the Iowa Pharmacy Law and Information Manual. (testimony of Morrell Spencer; Exhibit A)
4. On October 30, 1989, Pharmacy Investigator Holger A. Christensen conducted an inspection of the Indian Hills Pharmacy and concluded that Respondent failed to maintain a current pharmacy library as required. The following library references were unavailable: (1) the latest edition and supplements to the USP DI Volume I; (2) the latest edition and supplements to the USP DI Volume II; and (3) the current edition of the Iowa Pharmacy Law and Information Manual. (testimony of Morrell Spencer; Exhibit B)
5. On May 29, 1991, Pharmacy Investigator Morrell A. Spencer conducted an inspection of the Indian Hills Pharmacy and concluded that Respondent failed to maintain a current pharmacy library as required. The following library references were unavailable: (1) the latest edition and supplements to the USP DI Volume I; and (2) the latest edition and supplements to the USP DI Volume II. (testimony of Morrell Spencer; Exhibit C)
6. Respondent was issued a report of deficiency correction and told to respond in writing within 60 days. Respondent was told that if the deficiencies were not corrected, his 1992 pharmacy renewal would not be issued. (testimony of Morrell Spencer; Exhibit D)
7. On April 7, 1992, Pharmacy Investigator Morrell A. Spencer conducted an inspection of the Indian Hills Pharmacy and concluded

that Respondent failed to maintain a current pharmacy library as required. The following library references were unavailable: (1) the latest edition and supplements to the USP DI Volume IA and IB, Drug Information for the Health Care Provider; (2) the latest edition and supplements to the USP DI Volume II, Advice for the Patient; (3) the latest edition and supplements to the Approved Drug Products With Therapeutic Equivalence Evaluations or USP DI Volume III; and (4) the current edition of the Iowa Pharmacy Law and Information Manual. (testimony of Morrell Spencer; Exhibit E)

8. The Respondent explained that he does not control the checkbook or pay bills for Indian Hills Pharmacy. He apologized for the length of time this deficiency went uncorrected. Respondent was questioned concerning how he determines if generic drugs are equivalent and how he handles patient consultations without adequate reference materials. Respondent relies on his drug supplier to supply only AB rated generics and has used Facts and Comparisons and product leaflets and flyers to counsel patients. By failing to maintain an adequate reference library, as prescribed by law, Respondent has fallen below the minimum standard for the practice of pharmacy in Iowa. The resources he utilized to counsel patients and choose generics were inadequate. (testimony of Respondent)

CONCLUSIONS OF LAW

1. 1991 Iowa Code section 155A.12 provides, in part, the following:

. . . The board may refuse to issue or renew a license or may impose a fine, issue a reprimand, or revoke, restrict, cancel, or suspend a license, and may place a licensee on probation, if the board finds that the applicant or licensee has done any of the following:

1. Violated any provision of this chapter or any rules of the board adopted under this chapter.

2. 1991 Iowa Code section 155A.31 provides the following:

A licensed pharmacy in this state shall maintain a reference library pursuant to rules of the board.

3. 657 Iowa Administrative Code section 6.3 provides the following:

Reference library. Each pharmacy shall have, as a minimum, the following:

1. The latest edition and supplements to the USP DI, Advice for the Patient;
2. The latest edition and supplements to the USP DI, Drug Information for the Health Care Provider;
3. Current toxicology reference text or telephone number of a poison control center;
4. Current state pharmacy laws.
5. The latest edition and supplements to Approved Drug Products With Therapeutic Equivalence Evaluations or USP DI, Volume III.

4. The preponderance of the evidence established that the Respondent violated Iowa Code sections 155A.12, 155A.31 (1991) and 657 IAC 6.3 when he failed to maintain the required reference library at the Indian Hills Pharmacy in 1987, 1989, 1991, and 1992.

5. 657 Iowa Administrative Code section 8.5 provides, in part, the following:

(4) Nonconformance with law. A pharmacist shall not knowingly serve in a pharmacy which is not operated in conformance with law, or which engages in any practice which if engaged in by a pharmacist would be unethical conduct.

6. The preponderance of the evidence established that the licensee violated 657 IAC 8.5 when he continued to serve as pharmacist-in-charge at Indian Hills Pharmacy without correcting the deficiencies cited in the Inspections Reports dated October 29, 1987, October 30, 1989, January 30, 1991, June 4, 1991, and April 7, 1992.

7. 657 Iowa Administrative Code section 9.1(4) provides, in part, the following:

The board may impose any of the disciplinary sanctions set out in subrule 9.1(2), including civil penalties in an amount not to exceed \$25,000, when the board determines that the licensee or registrant is guilty of the following acts or offenses: . . .

b. Professional incompetency. Professional incompetency includes but is not limited to:

. . .
(4) A willful or repeated departure from, or the failure to conform to, the minimal standard or acceptable and prevailing practice of pharmacy in the state of Iowa.

The Respondent's repeated failure to correct the deficiencies in his reference library constitutes a failure to conform to the minimal standard or acceptable and prevailing practice of pharmacy in the state of Iowa. The Respondent could not adequately counsel patients or determine generic substitutions without the aid of these essential reference materials. The Respondent has violated 657 IAC 9.1(4)(b)(4).

DECISION AND ORDER

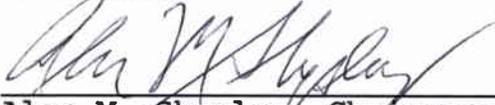
IT IS HEREBY ORDERED, that if this proposed decision becomes a final order, the pharmacy license No. 260, issued to Indian Hills Pharmacy, shall be placed on probation for a period of five (5) years, subject to the following terms and conditions:

- 1) The pharmacy shall pay a civil penalty of \$5,000.00, within thirty (30) days of receipt of this order. This civil penalty is being assessed, in part, due to the substantial financial savings realized by the pharmacy by its failure to maintain an adequate library.
- 2) The pharmacy shall submit annual written reports to the Board or its designee. The first report shall be due within one year of the date of receipt of this decision. Each written report must include a copy of the pharmacy's paid invoice for the most recent edition of USP DI and the Iowa Drug Law Manual.
- 3) Should the pharmacy violate probation in any respect, the Board, after giving the pharmacy notice and an opportunity to be heard, may revoke probation and impose further discipline. If a petition to revoke probation is filed against the pharmacy during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.
- 8) Upon successful completion of probation, the pharmacy license will be fully restored.

Finally, it is ORDERED, pursuant to Iowa Code section 258A.6 and 657 IAC 9.27, that the pharmacy shall pay \$75.00 for fees associated with conducting the disciplinary hearing. In addition, the executive secretary of the Board shall bill the pharmacy for any transcript costs associated with this disciplinary hearing. The pharmacy shall remit for these expenses within thirty (30) days of receipt of the bill. It is noted that the Respondent and the pharmacy are being assessed one \$75.00 hearing fee for which they share liability.

Dated this 15th day of March , 1993

THE PANEL:



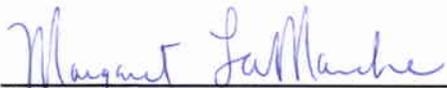
Alan M. Shepley, Chairperson
Iowa Board of Pharmacy Examiners



Phyllis A. Miller



Arlan D. Van Norman



Margaret LaMarche
Administrative Law Judge

ML/jmm
Copies to:

Lynette Donner, Assistant Attorney General

This proposed decision will become a final decision unless appealed to the Board by a party adversely affected by serving notice of appeal on the executive secretary of the Board within thirty (30) days after service of the proposed decision. The Board may also review this proposed decision on its own motion.

BEFORE THE IOWA BOARD OF PHARMACY EXAMINERS

Re: Pharmacy License of)	DIA NO. 93PHB-2
)	
INDIAN HILLS PHARMACY)	FINDINGS OF FACT,
License No. 260)	CONCLUSIONS OF LAW,
Wendell W. Simmonds,)	DECISION, AND ORDER
Pharmacist in charge,)	
)	
Respondent)	

TO: INDIAN HILLS PHARMACY

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On March 15, 1993, the panel issued its Proposed Findings of Fact, Conclusions of Law, Decision and Order.

The Respondent filed a timely appeal from the panel's decision. On April 28, 1993, the full Board heard the oral arguments of the parties. The following members of the Board were present: Alan M. Shepley, Chairperson; Marian Roberts, Vice Chairperson; Phyllis Olson; Phyllis Miller; and Arlan Van Norman. Lynette Donner, Assistant Attorney General, appeared for the state. The Respondent appeared pro se. In addition, Thomas Dodds, a partner in the Indian Hills Pharmacy, presented an oral argument on behalf of the pharmacy. After hearing the oral arguments and reviewing the record, the Board convened in closed executive session, pursuant to Iowa Code section 21.5(1)(f) (1993), to deliberate their decision.

THE RECORD

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3. On October 29, 1987, Pharmacy Investigator Morrell A. Spencer conducted an inspection of the Indian Hills Pharmacy and concluded that the Respondent failed to maintain a current pharmacy library as required. The following library references were unavailable; (1) the latest edition and supplements to the USP/NF; (2) the latest edition and supplements to the USP DI Volume I; (3) the latest edition and supplements to the USP DI Volume II; and (4) the current edition of the Iowa Pharmacy Law and Information Manual. (testimony of Morrell Spencer; Exhibit A)
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5. On May 29, 1991, Pharmacy Investigator Morrell A. Spencer conducted an inspection of the Indian Hills Pharmacy and concluded that Respondent failed to maintain a current pharmacy library as required. The following library references were unavailable: (1) the latest edition and supplements to the USP DI Volume I; and (2) the latest edition and supplements to the USP DI Volume II. (testimony of Morrell Spencer; Exhibit C)

6. Respondent was issued a report of deficiency correction and told to respond in writing within 60 days. Respondent was told that if the deficiencies were not corrected, his 1992 pharmacy renewal would not be issued. (testimony of Morrell Spencer; Exhibit D)

7. On April 7, 1992, Pharmacy Investigator Morrell A. Spencer conducted an inspection of the Indian Hills Pharmacy and concluded that Respondent failed to maintain a current pharmacy library as required. The following library references were unavailable: (1) the latest edition and supplements to the USP DI Volume IA and IB, Drug Information for the Health Care Provider; (2) the latest edition and supplements to the USP DI Volume II, Advice for the Patient; (3) the latest edition and supplements to the Approved Drug Products With Therapeutic Equivalence Evaluations or USP DI Volume III; and (4) the current edition of the Iowa Pharmacy Law and Information Manual. (testimony of Morrell Spencer; Exhibit E)

8. The Respondent explained that he does not control the checkbook or pay bills for Indian Hills Pharmacy. He apologized for the length of time this deficiency went uncorrected. Respondent was questioned concerning how he determines if generic drugs are equivalent and how he handles patient consultations without adequate reference materials. Respondent relies on his drug supplier to supply only AB rated generics and has used Facts and Comparisons and product leaflets and flyers to counsel patients. By failing to maintain an adequate reference library, as prescribed by law, Respondent has fallen below the minimum standard for the practice of pharmacy in Iowa. The resources he utilized to counsel patients and choose generics were inadequate. A pharmacist cannot determine whether a drug is therapeutically equivalent without consulting the USP-DI Volume III or another approved reference. Therefore the Respondent violated Iowa Drug Product Selection Law. All of the products handled by the drug wholesaler are not necessarily AB rated generics. (testimony of Respondent)

CONCLUSIONS OF LAW

1. 1991 Iowa Code section 155A.12 provides, in part, the following:

. . . The board may refuse to issue or renew a license or may impose a fine, issue a reprimand, or revoke, restrict, cancel, or suspend a license, and may place a licensee on probation, if the board finds that the applicant or licensee has done any of the following:

1. Violated any provision of this chapter or any rules of the board adopted under this chapter.

2. 1991 Iowa Code section 155A.31 provides the following:

A licensed pharmacy in this state shall maintain a reference library pursuant to rules of the board.

3. 657 Iowa Administrative Code section 6.3 provides the following:

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3. Current toxicology reference text or telephone number of a poison control center;

4. Current state pharmacy laws.

5. The latest edition and supplements to Approved Drug Products With Therapeutic Equivalence Evaluations or USP DI, Volume III.

4. The preponderance of the evidence established that the Respondent violated Iowa Code sections 155A.12, 155A.31 (1991) and 657 IAC 6.3 when he failed to maintain the required reference library at the Indian Hills Pharmacy in 1987, 1989, 1991, and 1992.

5. 657 Iowa Administrative Code section 8.5 provides, in part, the following:

(4) Nonconformance with law. A pharmacist shall not knowingly serve in a pharmacy which is not operated in conformance with law, or which engages in any practice which if engaged in by a pharmacist would be unethical conduct.

6. The preponderance of the evidence established that the licensee violated 657 IAC 8.5 when he continued to serve as pharmacist-in-charge at Indian Hills Pharmacy without correcting the deficiencies cited in the Inspections Reports dated October 29, 1987, October 30, 1989, January 30, 1991, June 4, 1991, and April 7, 1992.

7. 657 Iowa Administrative Code section 9.1(4) provides, in part, the following:

The board may impose any of the disciplinary sanctions set out in subrule 9.1(2), including civil penalties in an amount not to exceed \$25,000, when the board determines that the licensee or registrant is guilty of the following acts or offenses: . . .

b. Professional incompetency. Professional incompetency includes but is not limited to:

. . . (4) A willful or repeated departure from, or the failure to conform to, the minimal standard or acceptable and prevailing practice of pharmacy in the state of Iowa.

The Respondent's repeated failure to correct the deficiencies in his reference library constitutes a failure to conform to the minimal standard or acceptable and prevailing practice of pharmacy in the state of Iowa. The Respondent could not adequately counsel patients or determine generic substitutions without the aid of these essential reference materials. The Respondent has violated 657 IAC 9.1(4) (b) (4).

DECISION AND ORDER

IT IS HEREBY ORDERED, that if this proposed decision becomes a final order, the pharmacy license No. 260, issued to Indian Hills Pharmacy, shall be placed on probation for a period of five (5) years, subject to the following terms and conditions:

1) The pharmacy shall pay a civil penalty of \$5,000.00, within thirty (30) days of receipt of this order. This civil penalty is being assessed, in part, due to the substantial financial savings realized by the pharmacy by its failure to maintain an adequate library over a five year period.

2) The pharmacy shall submit annual written reports to the Board or its designee. The first report shall be due within one year of the date of receipt of this decision. Each written report must include a copy of the pharmacy's paid

invoice for the most recent edition of USP DI and the Iowa Drug Law Manual.

3) Should the pharmacy violate probation in any respect, the Board, after giving the pharmacy notice and an opportunity to be heard, may revoke probation and impose further discipline. If a petition to revoke probation is filed against the pharmacy during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

4) Upon successful completion of probation, the pharmacy license will be fully restored.

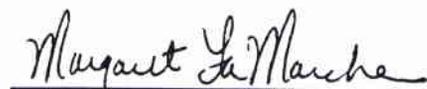
A five year probationary period was chosen because the Respondent neglected to purchase the required books for five years. The Respondent is therefore being required to confirm his purchase of the required books for five years.

Finally, it is ORDERED, pursuant to Iowa Code section 258A.6 and 657 IAC 9.27, that the pharmacy shall pay \$75.00 for fees associated with conducting the disciplinary hearing. In addition, the executive secretary of the Board shall bill the pharmacy for any transcript costs associated with this disciplinary hearing. The pharmacy shall remit for these expenses within thirty (30) days of receipt of the bill. It is noted that the Respondent and the pharmacy are being assessed one \$75.00 hearing fee for which they share liability.

Dated this 14th day of May, 1993



Marian Roberts, Chairperson
Iowa Board of Pharmacy Examiners



Margaret LaMarche
Administrative Law Judge

ML/jmm

Copy to:
Lynette Donner, Assistant Attorney General