

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

In the Matter of the Complaint	:	
	:	
and Statement of Charges Against	:	COMPLAINT AND
	:	
Keith R. Jamison, Pharmacist	:	STATEMENT OF CHARGES
Respondent	:	

COMES NOW, Norman C. Johnson, executive secretary of the Iowa Board of Pharmacy Examiners, on the 7th day of February, 1986, and files this Complaint and Statement of Charges against Keith R. Jamison, a pharmacist licensed pursuant to Iowa Code Chapter 155, and alleges:

1. That John F. Rode, chairperson; Margo L. Underwood, vice chairperson; Rollin C. Bridge; Jerry M. Hartleip; Melba L. Scaglione; Alan M. Shepley; and Gale W. Stapp are duly appointed, qualified members of the Iowa Board of Pharmacy Examiners.

2. That Respondent is a resident of Knoxville, Iowa, and was issued license number 13127 to practice pharmacy in the State of Iowa on September 9, 1965.

3. That Respondent's license to practice pharmacy in Iowa is current until June 30, 1986.

4. That Respondent is employed as a staff pharmacist at Baker Drug, 203 E. Main, Knoxville, Iowa.

5. That an inspection of Baker Drug and an audit of the records on file in Baker Drug was conducted beginning on August 15, 1985, by E. Ray Shelden and Morrell Spencer who are duly authorized agents of the Board.

6. That four separate audits were conducted.

7. That Audit I involved 19 Schedule II controlled drug dosage forms and covered the period May 1, 1985, through August 15, 1985.

8. That Audit II involved 36 Schedule II controlled drug dosage forms and covered the period April 30, 1983 through August 15, 1985.

9. That Audit III involved 4 Schedule III and IV controlled drug dosage forms and covered the period May 1, 1985, through August 15, 1985.

10. That Audit IV involved 12 Schedule V controlled drug dosage forms and covered the period May 1, 1985, through August 15, 1985.

11. That the results of Audit I revealed the following:

- a. A shortage of 44 Nembutal 100mg capsules, a 9% shortage.
- b. A shortage of 60 Tuinal 200mg pulvules, a 16% shortage.
- c. An overage of 110 Oxycodone with aspirin tablets, a 24% overage.

12. That the results of Audit II revealed the following:

- a. A shortage of 100 Codeine Sulfate 30mg tablets, a 7% shortage.
- b. A shortage of 2 Meperidine 75mg tubex, an 8% shortage.
- c. A shortage of 1 Demerol 50mg/ml 30ml vial, a 17% shortage.
- d. A shortage of 144 Nembutal 100mg capsules, an 11% shortage.
- e. A shortage of 184 Oxycodone w/ aspirin tablets, an 18% shortage.
- f. A shortage of 1035 Percodan tablets, a 22% shortage.
- g. A shortage of 50 Seconal 50mg pulvules, a 13% shortage.
- h. A shortage of 125 Tylox capsules, a 9.5% shortage.
- i. An overage of 105 Amytal 100mg tablets, a 34% overage.
- j. An overage of 230 Dilaudid 2mg tablets, a 12% overage.
- k. An overage of 500 Oxycodone with APAP tablets, a 100% overage.
- l. An overage of 153 Seconal 100mg pulvules, an 8% overage.

13. That the results of Audit III revealed the following:

- a. A shortage of 322 Tylenol with codeine 60mg and APAP with Codeine 60mg tablets, a 9% shortage.
- b. A shortage of 948 Valium 5mg tablets, a 17% shortage.
- c. A shortage of 685 Valium 10mg tablets, a 34% shortage.
- d. An overage of 235 Tylenol with Codeine 30mg and APAP with Codeine 30mg tablets, a 2% overage.

14. That the results of Audit IV revealed the following:

- a. A shortage of 120cc Terpin Hydrate with Codeine, a 1% shortage.
- b. A shortage of 120cc of Robitussin DAC and its generic counterpart, an 8% shortage.
- c. A shortage of 340cc of Novahistine Expectorant with Codeine, Dihistine Expectorant with Codeine and Phen-Hist Expectorant with Codeine, an 18% shortage.

- d. An overage of 160cc of Tussend liquid, a 3% overage.
- e. An overage of 3305cc of Dihistine DH, Novadyne DH and Phen-Hist DH liquid, a 38% overage.

15. That Respondent's license to practice pharmacy was not displayed in public view at Baker Drug.

16. That Respondent dispensed Baker Drug prescription numbers 513116, 514033 and 515039 for Eskatrol spansules issued in the name of Marilyn Tackett by G. M. Arnett, M.D., on May 6, 1985; June 5, 1985; and July 10, 1985, respectively, without determining whether the prescriptions were issued for a legitimate medical purpose.

17. That Respondent dispensed Baker Drug prescription number 515357 for Eskatrol spansules issued in the name of Marilyn Thomas by J. E. Eaves, M.D., on July 18, 1985, without determining whether the prescription was issued for a legitimate medical purpose.

18. That Respondent dispensed the prescriptions described in paragraph 16 and 17 without determining whether the product Eskatrol was still within its expiration date.

19. That Respondent dispensed Baker Drug prescription number 495044 issued in the name of Jeanne Busick on December 5, 1983, for Preludin 75mg Endurets without determining whether the prescription was issued for a legitimate medical purpose.

20. That Respondent dispensed Baker Drug prescription number 487019, issued in the name of Harold Simmons on April 30, 1983, for Valium 5mg tablets, three times beyond the legal limit authorized by Iowa law.

21. That Respondent dispensed Baker Drug prescription number 496468, issued in the name of Harold Simmons on January 11, 1984, for Valium 5mg tablets, one time beyond the legal limit authorized by Iowa law.

22. That Respondent dispensed Baker Drug prescription number 503672, issued in the name of Harold Simmons on August 1, 1984, for Valium 5mg tablets, five times beyond the legal limit authorized by Iowa law.

23. That Respondent dispensed Baker Drug prescription numbers 487019 and 487020, issued in the name of Harold Simmons on April 30, 1983, without obtaining the signature of the prescriber as required by Iowa law.

24. That Respondent dispensed 135 doses of a Schedule III controlled substance on Baker Drug prescription 507717 to patient Roxanne Pearson when the prescriber only authorized 15 doses to be dispensed.

25. That Baker Drug prescription number 489065, issued to Theodore Johnson on June 24, 1983, was refilled by Respondent on August 24, 1985, 26 months after its date of issue.

26. That Respondent dispensed Baker Drug prescription number 515876, issued on November 5, 1984, to James Hunt for Valium 5mg tablets, on August 7, 1985--a date which was more than six months from its date of issue.

27. That Respondent sold 4 ounce (120cc) bottles of Schedule V cough preparations with full knowledge that prior sales of those cough preparations had been made within a 48-hour period.

28. That Respondent dispensed 72 doses of a Schedule III controlled substance, Tylenol #3, to patient Laura Roland on Baker Drug prescription number 514027, when the prescriber only authorized 12 doses to be dispensed.

29. That Respondent is guilty of violations of Iowa Code Sections 147.7, 155.13(3) and (8), 155.30, 155.34, 204.306, 204.308(4), 204.401(d), 205.3 and Board Rules §620--8.13(9) and 8.13(15) by virtue of the allegations in paragraphs 11 through 28.

Section 147.7 reads as follows:

"Display of license. Every person licensed under this title to practice a profession shall keep his license publicly displayed in the place in which he practices."

Section 155.13(3) and (8) read as follows:

"...The board shall have the authority to deny, suspend or revoke a license in any case where it finds that there has been a substantial failure to comply with the provisions of this chapter or the regulations promulgated hereunder, or the violation thereof, and in addition, the board shall have the power to deny, suspend or revoke a license, when the applicant or licensee, or any employee, providing the offense is committed on licensed premises or is in the conduct of the business licensed, is guilty of any of the following facts or offenses:...

3. Distributing on the premises of...drugs for any other than lawful purposes.

8. Violations of the provisions of this chapter."

Section 155.30 reads as follows:

"...any person who violates a provision of Section 155.29 or who sells, gives away or administers to another person any prescription drug shall be guilty of a public offense...."

Section 155.34 reads as follows:

"Refills limited. No prescription for any prescription drug which is not a controlled substance as defined in section 204.101, subsection

6, shall be filled or refilled more than one year after the date on which the prescription was issued, and no prescription which is authorized to be refilled shall be refilled more than eleven times; provided however, no medical practitioner shall be prohibited from issuing a new prescription for the same drug either in writing or orally."

Section 204.306 reads as follows:

"Records of registrants. Persons registered to manufacture, distribute, dispense, or administer controlled substances under this chapter shall keep records and maintain inventories in conformance with the record keeping and inventory requirements of federal law and with such additional rules as may be issued by the board...."

Federal regulations in this regard can be found in Code of Federal Regulations (CFR) Title 21. Pertinent parts of those regulations are 1304.03, 1304.04 and 1304.11.

Part 1304.03 reads, in part, as follows:

"Persons required to keep records and file reports.

(a) Each registrant shall maintain the records and inventories and shall file the reports required by this part, except as exempted by this section...."

Part 1304.04 reads, in part, as follows:

"Maintenance of records and inventories.

(a) Every inventory and other records required to be kept under this Part shall be kept by the registrant and be available, for at least 2 years from the date of such inventory or records, for inspection and copying by authorized employees of the Administration...."

Part 1304.11 reads, in part, as follows:

"General requirements for inventories.

(a) Each inventory shall contain a complete and accurate record of all controlled substances on hand on the date the inventory is taken...."

Section 204.308(4) reads as follows:

"A controlled substance included in Schedule V shall not be distributed or dispensed other than for a medical purpose."

Section 204.401(1)"d" reads as follows:

"...It is unlawful for any person to...deliver...a controlled substance...any person who violates this subsection with respect to...(d) a substance classified in schedule V, is guilty of a simple misdemeanor...."

Section 205.3 reads as follows:

"Prescriptions. A person shall not fill a prescription for a drug required by chapter 204 or this chapter to be furnished only upon written prescription unless the prescription is ordered for a medical...purpose only."

Board subrule §620--8.13(9) reads as follows:

"Refilling of prescriptions. No prescription for a controlled substance listed in schedule III or IV shall be filled or refilled more than six months after the date on which such prescription was issued and no such prescription authorized to be refilled may be refilled more than five times. Each refilling of a prescription shall be entered on the back of the prescription or on another appropriate uniformly maintained readily retrievable record, such as medication records, which indicate the date, quantity, and name of dispensing pharmacist for each prescription initialed, and dated by the pharmacist as of the date of dispensing, and shall state the amount dispensed. If the pharmacist merely initials and dates the back of the prescription he shall be deemed to have dispensed a refill for the full face amount of the prescription. Additional quantities of controlled substances listed in schedule III or IV may only be authorized by a prescribing practitioner through issuance of a new prescription as provided herein which shall be a new and separate prescription."

Board subrule §620--8.13(15) reads as follows:

"8.13(15) Dispensing without prescription. A controlled substance listed in Schedule V...may be dispensed by a pharmacist without a prescription to a purchaser at retail, provided that:

a. Such dispensing is made only by a pharmacist and not by a non-pharmacist employee even if under the direct supervision of a pharmacist except as specifically provided by other rules of the board.

b. Not more than 120cc. (4 ounces) of any such controlled substance may be distributed at retail to the same purchaser in any given forty-eight-hour period.

c. The purchaser is at least eighteen years of age.

d. The pharmacist requires every purchaser of a controlled substance under this rule not known to him to furnish suitable identification (including proof of age where appropriate).

e. A bound record book for dispensing of controlled substances (other than by prescription) is maintained by the pharmacist, which

book shall contain the name and address of the purchaser, the name and quantity of controlled substance purchased, the date of each purchase and the name or initials of the pharmacist who dispensed the substance to the purchaser.

f. A prescription is not required for distribution or dispensing of the substance pursuant to any other federal, state or local law."

30. That Respondent is guilty of a violation of Board subrules §620--10.1(4)"b"(3)(4), "h", "j" and "u" by virtue of the allegation in paragraph 29.

Rule 10.1(4) reads as follows:

"The Board may impose any of the disciplinary sanctions set out in subrule 10.1(2), including civil penalties in an amount not to exceed \$1000 when the board determined that the licensee or registrant is guilty of the following acts or offenses:

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

(3) A failure by a pharmacist to exercise in a substantial respect that degree of care which is ordinarily exercised by the average pharmacist in the state of Iowa acting under the same or similar circumstances.

(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.

h. Distribution of intoxicating liquors or drugs for other than lawful purposes includes but is not limited to the disposition of drugs in violation of chapters 155, 203, 203A and 204 of The Code.

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 section...155.13 of The Code."

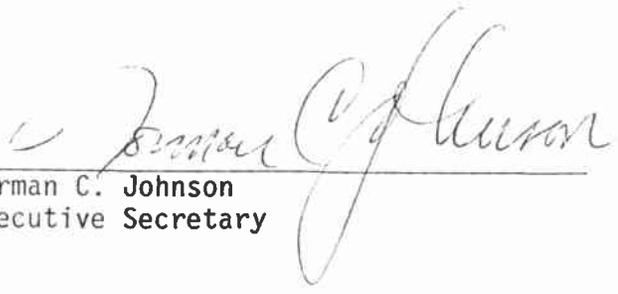
31. That paragraphs 29 and 30 constitute grounds for which Respondent's license to practice pharmacy can be suspended or revoked.

WHEREFORE the undersigned charges that Keith R. Jamison has violated Section 147.7, 155.13(3); 155.13(8); 155.30; 155.34; 204.306; 204.308(4); 204.401(d); and 205.3 of the Code of Iowa, and Board Rules §620--8.13(9); 8.13(15); 10.1(4)"b"(3) and (4), "h", "j" and "u" of the Iowa Administrative Code.

IT IS HEREBY ORDERED that Keith R. Jamison appear before the Iowa Board of Pharmacy Examiners on March 12, 1986, at 9:00 a.m. in the Board Conference Room at 1209 E. Court, Executive Hills West, Des Moines, Iowa.

The undersigned further asks that upon final hearing, the Board enter its Findings of Fact and Decision to suspend or revoke the license to practice pharmacy issued to Keith R. Jamison on the 9th day of September 1965, or take whatever additional steps they deem necessary.

IOWA BOARD OF PHARMACY EXAMINERS



Norman C. Johnson
Executive Secretary

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

In the Matter of	:	
KEITH R. JAMISON, Pharmacist	:	STIPULATION
License No. 13127	:	

WHEREAS, Keith R. Jamison, hereinafter referred to as the Licensee, has had certain allegations made against him by the Board of Pharmacy Examiners, hereinafter referred to as the Board, concerning his professional conduct as a pharmacist, and

WHEREAS, the Licensee admits to the allegations made against him, and

WHEREAS, both the Licensee and the Board desire to arrive at a mutually agreeable informal settlement of this matter,

IT IS MUTUALLY AGREED AND STIPULATED as follows between the Licensee and the Board:

1. That the Board by and through two of its members, Melba L. Scaglione and Gale W. Stapp, and the Licensee have entered into settlement discussions and have agreed upon a disposition of this matter.
2. That the Licensee desires to avoid the uncertainty and the expense of a trial and desires to consent to the disciplinary action to be taken by the Board as specified in paragraph 4, infra.
3. It is the purpose and intent of the parties hereto to waive all the provisions of Chapter 17A of the 1985 Code of Iowa as they relate to notice and hearing on the matter of revocation or suspension of Licensee's license to be a pharmacist, and to acknowledge that each are fully aware of their rights and procedures afforded them through Chapter 17A of the 1985 Code of Iowa and the rules of the Board of Pharmacy Examiners promulgated in accordance and pursuant thereto, particularly Section 17A.12 as it relates to contested cases and provides notice of hearing and records, and Section 17A.18, as it relates to the requirements concerning notice of the suspension and revocation of licenses.
4. It is the understanding of both the Licensee and the Board that they will enter into an Order and Consent to Order which will provide the following:
 - a. License #13127 issued to Licensee is suspended for a period of twelve (12) months effective March 12, 1986, with the suspension stayed.

- b. Licensee to be placed on probation for two (2) years beginning March 12, 1987, and ending March 12, 1989.
- c. Licensee shall pay a fine of five hundred dollars (\$500). Payment shall be made within thirty (30) days of the signing of this order with the check made payable to the State of Iowa.
- d. Licensee shall not supervise any registered intern nor perform any of the duties of a preceptor during the period of stayed suspension and probation.
- e. Licensee shall obey all federal and state laws and regulations substantially related to the practice of pharmacy.
- f. Should Licensee leave Iowa to reside or practice outside this state, he shall notify the Board in writing of the date of departure and return. Periods of residency or practice outside the state shall not apply to a reduction in the probationary period.
- g. Licensee shall report in writing no later than the 10th of each month his residency and employment status during the stayed suspension and probationary period.
- h. Licensee shall review the policies and procedures for Baker Drug, 203 E. Main, Knoxville, Iowa. Licensee shall sign a notarized affidavit stating that he has read the aforementioned policies and procedures and that he understands them and will comply with them. Such signed, notarized affidavit to be submitted to the Board office within 30 days of the signing of this Order.
- i. Licensee shall make no sales of Schedule V drugs without a prescription during the period of stayed suspension and probation.
- j. Should Licensee violate probation in any respect, the Board, after giving Licensee notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order which was stayed. If a petition to revoke probation is filed against Licensee 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.

THE ABOVE AND FOREGOING CONSTITUTE THE FULL AND COMPLETE STIPULATION AND AGREEMENT OF THE PARTIES HERETO.


John F. Rode, Chairman
Iowa Board of Pharmacy Examiners


Keith R. Jamison, Licensee

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

In the Matter of Pharmacist :
KEITH R. JAMISON : ORDER AND CONSENT TO ORDER
License #13127 :

The Iowa Board of Pharmacy Examiners, having been advised of the allegations that Keith R. Jamison has conducted himself in a manner which could cause his license to practice pharmacy to be suspended, and the Board of Pharmacy Examiners through two Board Members and said, Keith R. Jamison having entered into a Stipulation representing their mutual informed consent as to the waiver of the provisions found in the Iowa Administrative Code appearing at Chapter 17A, particularly Section 17A.12 and Section 17A.18, Code of Iowa 1985, in regards to Notice and Hearing, the parties to this action agree to an informal settlement of this matter, namely that the license of Keith R. Jamison be disciplined according to the conditions attached hereto.

ORDER

IT IS THEREFORE ORDERED, subject to the consent of Keith R. Jamison to be contained herein to this Order that the license of Keith R. Jamison to practice pharmacy be disciplined according to the conditions outlined in the Stipulation attached hereto and made part of this Order.

Date 3-20-86

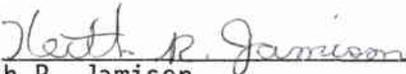


John F. Rode, Chairperson
Iowa Board of Pharmacy Examiners

CONSENT TO ORDER

I, Keith R. Jamison, hereby consent to the Order set forth above, waive my right to a hearing in this matter, and thereby specifically waive a right to confrontation, cross-examination of witnesses, production of evidence, making of a record and judicial review.

Date 3-27-86



Keith R. Jamison

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

Re:)	COMPLAINT
Pharmacist License of)	AND STATEMENT
KEITH R. JAMISON)	OF CHARGES
License No. 13127)	AND
Respondent)	NOTICE
)	OF HEARING

COMES NOW, Lloyd K. Jessen, Executive Secretary-Director of the Iowa Board of Pharmacy Examiners, on the 8th day of March, 1993, and files this Complaint and Statement of Charges and Notice of Hearing against Keith R. Jamison, a pharmacist 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 was issued a license to practice pharmacy in Iowa on September 9, 1965, by examination.
3. Respondent currently resides at 709 South Fourth Street, Knoxville, Iowa 50138.
4. Respondent is currently employed as a pharmacist at Baker Drug, 203 East Main, Knoxville, Iowa 50138.
5. Respondent's license to practice pharmacy in Iowa is current until June 30, 1994.

6. The Board has received an investigative report from Pharmacy Investigator Dennis D. Dobesh dated February 25, 1993, and other investigative information which allege the following:

a. A complaint was received on January 28, 1993, which alleged that pharmacists at Baker Drug were unlawfully dispensing Mexican drugs to patients.

b. On February 5, 1993, Respondent admitted, in writing, that while working at Baker Drug he had dispensed various drugs which he knew had been obtained in Mexico by his employer, Verlyn Dean Moats.

c. On February 2, 1993, Board Investigators Dennis D. Dobesh and Gary D. Ebeling seized the following Mexican drugs which were found either on the premises of Baker Drug or inside unit-dose containers which had been filled by the Respondent and other pharmacists at Baker Drug and delivered to nursing homes for administration to nursing home residents:

728 tablets of Zantac 150mg
23 tablets of Zantac 300mg
825 tablets of Naprosyn 250mg
538 tablets of Naprosyn 500mg
416 tablets of Tagamet 400mg
69 tablets of Noroxin 400mg
34 tablets of Seldane-D
647 capsules of Feldene 20mg
76 capsules of Ceclor 500mg

d. These drugs were obtained over-the-counter in Mexico by Respondent's employer, Verlyn Dean Moats. In the United States these drugs are prescription-only. The Mexican Zantac was imprinted as "Azantac" and had a different appearance from Zantac. Some of the other Mexican drugs obtained by Mr. Moats

also had a different appearance and different imprint from their U.S.-counterparts. None of the Mexican-obtained drugs were authorized by the FDA for use in the United States.

e. Respondent's employer, Verlyn Dean Moats, removed the Mexican drugs from their original packaging and repackaged them into stock bottles for storage at Baker Drug. In most cases, the lot numbers and expiration dates of the individual tablets were not recorded or maintained, nor were they indicated on the label of the stock bottles. It is alleged that tablets of various lot numbers and various expiration dates were mixed together.

f. When these Mexican drugs were dispensed to patients by Respondent and by other pharmacists at Baker Drug, the prescription vials or containers were labeled with the names of the U.S.-counterparts.

7. Respondent is guilty of violations of 1993 Iowa Code sections 147.55(3), 155A.12(1), 155A.12(2), 155A.12(3), 126.3(1), 126.10(1), 126.10(9)(a), 126.10(9)(b), 126.10(9)(c), and 272C.10(3) by virtue of the allegations contained in paragraph 6.

1993 Iowa Code section 147.55 provides, in part, the following:

A license to practice a profession shall be revoked or suspended when the licensee is guilty of the following acts or offenses:...

3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of a profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

1993 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. Engaged in unethical conduct as that term is defined by rules of the board.
3. Violated any of the provisions for licensee discipline set forth in section 147.55.

1993 Iowa Code section 126.3 (formerly 1991 Iowa Code section 203B.3) provides, in part, the following:

The following acts and the causing of the acts within this state are unlawful:

1. The introduction or delivery for introduction into commerce of any drug, device, or cosmetic that is adulterated or misbranded.

1993 Iowa Code section 126.10 (formerly 1991 Iowa Code section 203B.10) provides, in part, the following:

A drug or device is misbranded under any of the following circumstances:

1. If its labeling is false or misleading in any particular.

....

9. a. If it is a drug and its container is so made, formed, or filled as to be misleading.
- b. If it is an imitation of another drug.
- c. If it is offered for sale under the name of another drug.

1993 Iowa Code section 272C.10 (formerly 1991 Iowa Code section 258A.10) provides, in part, the following:

A licensing board established after January 1, 1978, and pursuant to the provisions of this chapter shall by rule include provisions for the revocation or suspension of a license which shall include but is not limited to the following:...

3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the licensee's profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

8. Respondent is guilty of violations of 657 Iowa Administrative Code sections 8.5(1), 8.5(4), 8.14(1)(g), 9.1(4)(b)(2), 9.1(4)(b)(4), 9.1(4)(c), 9.1(4)(j), and 9.1(4)(u) by virtue of the allegations contained in paragraph 6.

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

Unethical conduct or practice. The provisions of this section apply to licensed pharmacists and registered pharmacist-interns.

8.5(1) Misrepresentative deeds. A pharmacist shall not make any statement tending to deceive, misrepresent, or mislead anyone, or be a party to or an accessory to any fraudulent or deceitful practice or transaction in pharmacy or in the operation or conduct of a pharmacy.

....

8.5(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 8.14 provides, in part, the following:

Prescription label requirements.

8.14(1) The label affixed to or on the dispensing container of any prescription dispensed by a pharmacy pursuant to a prescription drug order shall bear the following:...

g. Unless otherwise directed by the prescriber, the label shall bear the brand name, or if there is no brand name, the generic name of the drug dispensed, the strength of the drug, and the quantity dispensed. ***Under no circumstances shall the label bear the name of any product other than the one dispensed*** (emphasis added).

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:...

(2) A substantial deviation by a pharmacist from the standards of learning or skill ordinarily possessed and applied by other pharmacists in the state of Iowa acting in the same or similar circumstances.

....

(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.

c. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of pharmacy or engaging in unethical conduct or practice harmful to the public. Proof of actual injury need not be established.

....

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 7 and 8 constitute grounds for which Respondent's license to practice pharmacy in Iowa can be suspended or revoked.

WHEREFORE, the undersigned charges that Respondent has violated 1993 Iowa Code sections 147.55(3), 155A.12(1), 155A.12(2), 155A.12(3), 126.3(1), 126.10(1), 126.10(9)(a), 126.10(9)(b), 126.10(9)(c), and 272C.10(3) and 657 Iowa Administrative Code sections 8.5(1), 8.5(4), 8.14(1)(g), 9.1(4)(b)(2), 9.1(4)(b)(4), 9.1(4)(c), 9.1(4)(j), and 9.1(4)(u).

IT IS HEREBY ORDERED that Keith R. Jamison appear before the Iowa Board of Pharmacy Examiners on Thursday, April 8, 1993, at 10:00 a.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 or revoke the license to practice pharmacy issued to Keith R. Jamison on September 9, 1965, 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 his 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 his 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

A handwritten signature in cursive script, reading "Lloyd K. Jessen", written over a horizontal line.

Lloyd K. Jessen
Executive Secretary/Director

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

Re: Pharmacist License of	}	
KEITH R. JAMISON	}	STIPULATION
License No. 13127	}	AND
Respondent	}	INFORMAL
	}	SETTLEMENT
	}	

COMES NOW the Iowa Board of Pharmacy Examiners (the Board) and Keith R. Jamison (Respondent) and, pursuant to Iowa Code sections 17A.10 and 258A.3(4), enter into the following Stipulation of the contested case currently on file:

1. Respondent was issued a license to practice pharmacy in Iowa on September 9, 1965, by examination.
2. Respondent's license is current until June 30, 1994.
3. Respondent's current address is 709 South Fourth Street, Knoxville, Iowa 50138.
4. A Complaint and Statement of Charges and Notice of Hearing was filed against Respondent on March 8, 1993.
5. The Board has jurisdiction of the parties and the subject matter.
6. Respondent does not contest the allegations set forth in the complaint. The Respondent agrees that the Board may treat the allegations as true for the purpose of this Informal Settlement.

7. Respondent's license is suspended for one year from the date of approval of this Stipulation and Informal Settlement. Said suspension is stayed.

8. Respondent's license is placed on probation for a period of five years from the date of approval of this Stipulation and Informal Settlement. During the probationary period the Respondent shall:

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

b. Pay all required fees for renewal of his pharmacist license and maintain skill and knowledge as a pharmacist through required continuing education (CE) to prevent the license from lapsing during the period of probation.

c. Obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy and all federal and state criminal laws.

d. Not supervise any registered intern and shall not perform any of the duties of a preceptor.

e. Notify all present and prospective employers of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this document. Within thirty (30) days after the approval of this Stipulation and Informal Settlement, and within fifteen (15) days of Respondent undertaking new employment, Respondent shall cause

his employer to report to the Board in writing acknowledging the employer has read this document.

9. Within 30 days of approval of this Stipulation and Informal Settlement, Respondent shall remit a civil penalty in the amount of \$2,000 made payable to the Iowa Board of Pharmacy Examiners to be deposited in the General Fund of the state of Iowa.

10. Within one year of approval of this Stipulation and Informal Settlement, Respondent shall take and pass the Federal Drug Law Examination (FDLE) and the Iowa Drug Law Examination (IDLE).

11. Respondent shall not serve as the pharmacist in charge of any pharmacy for one year from the date of approval of this Stipulation and Informal Settlement.

12. Should Respondent practice outside of this state, Respondent shall notify the Board in writing of the dates of such practice. Periods of practice outside of this State shall not apply to reduction of the probationary period.

13. Should Respondent violate probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and carry out the stayed suspension. If a petition to revoke probation is filed against Licensee 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.

14. Upon successful completion of probation, Respondent's certificate will be fully restored.

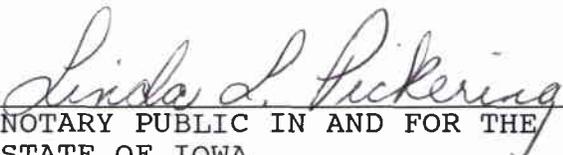
15. Stipulation and Informal Settlement is subject to approval of the Board. If the Board approves this Stipulation and Informal Settlement, it becomes the final disposition of this matter. If the Board fails to approve this Stipulation and Informal Settlement, it shall be of no force or effect to either party.

16. This Informal Settlement is voluntarily submitted by the Respondent to the Board for its consideration on the 8th day of April, 1993.



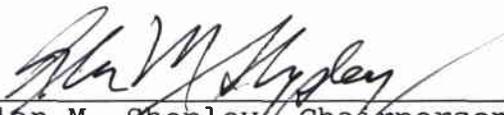
Keith R. Jamison
Respondent

Signed and sworn to before me this 8th day of April, 1993.



NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

17. This Informal Settlement is accepted by the Iowa Board of Pharmacy Examiners on the 9th day of April, 1993.



Alan M. Shepley, Chairperson
Iowa Board of Pharmacy Examiners