

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

Re:)	Case No. 2003-36
Pharmacist License of)	
JACQUELINE J. JOHNSON)	STATEMENT OF CHARGES
License No. 18672)	
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 (2003).
3. On July 24, 1996, the Board issued Respondent, following examination, a license to engage in the practice of pharmacy as evidenced by license number 18672, 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, 2004.
5. Respondent's current address is 18452 Highway 70, Conesville, Iowa 52739.
6. At all times material to this statement of charges, respondent was the pharmacist in charge at Drugtown/Clinic Pharmacy located at 109½ Walnut Street, Columbus Junction, Iowa 52738.

A. CHARGES

COUNT I – LACK OF PROFESSIONAL COMPETENCY

Respondent is charged under Iowa Code § 155A.12(1) (2003) and 657 Iowa Administrative Code § 36.1(4) with a lack of professional competency, including a failure 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.

COUNT II – IMPROPER DELEGATION OF PHARMACIST FUNCTIONS

Respondent is charged under Iowa Code § 155A.12(1) (2003) and 657 Iowa

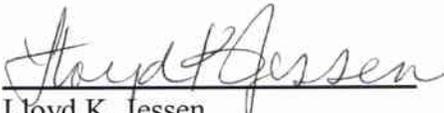
Administrative Code §§ 6.7(3) and 36.1(4)(i) and (l) with the improper delegation, to supportive personnel, of pharmacist functions such as filling, providing final verification of and dispensing prescriptions.

B. FACTUAL CIRCUMSTANCES

On or about April 24, 2003 an investigation was commenced which revealed the following:

1. On April 9, 2003, Ray Couchman brought a prescription for lisinopril/HCTZ (for treatment of high blood pressure) to Respondent. Couchman's prescription was filled, instead, with glyburide 5mg (for treatment of type 2 diabetes). Pharmacist Todd Thompson filled the prescription from a stock bottle labeled lisinopril/HCTZ. The stock bottle was subsequently discovered to contain glyburide 5mg.
2. Mr. Couchman, who had been taking lisinopril/HCTZ for a significant period of time, noticed the dispensing error upon opening the medication. Couchman called the Respondent pharmacy and spoke with technician Nancy Turner. Turner verified that the pills given to Mr. Couchman had the same appearance as other tablets contained in a stock bottle labeled lisinopril/HCTZ. She then told Couchman that the difference in appearance (from his prior prescriptions) was probably the result of the medication being a new, generic product.
3. On April 15, 2003, after apparently taking glyburide for several days, Mr. Couchman went into hypoglycemic shock and has since died.

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 29 day of July 2003, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.

Kay Bolton, for

Katherine A. Linder, 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, Iowa

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

Re:)	Case No. 2003-36
Pharmacist License of)	
JACQUELINE J. JOHNSON)	STIPULATION
License No. 18672)	AND
Respondent)	CONSENT ORDER

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2003), the Iowa Board of Pharmacy Examiners (hereinafter, “the Board”) and Jacqueline J. Johnson (hereinafter, “Respondent”), enter into the following Stipulation and Consent Order settling a licensee disciplinary proceeding currently pending before the Iowa Board of Pharmacy Examiners.

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 July 24, 1996, by examination, as evidenced by Pharmacist License Number 18672, 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, 2004.
3. Respondent was, at all times material to the Statement of Charges, employed as a pharmacist in charge at Drugtown/Clinic Pharmacy located at 109 ½ Walnut Street, Columbus Junction, Iowa 52738.
4. A Statement of Charges was filed against Respondent on July 29, 2003.
5. The Board has jurisdiction over the parties and jurisdiction over the subject matter of these proceedings.

6. Respondent denies the allegations set forth in the Statement of Charges, but enters into this Stipulation and Consent Order voluntarily in order to resolve the Statement of Charges without the necessity of a hearing.

7. On the date of the Board's approval of this Stipulation and Consent Order, Respondent's license to practice pharmacy shall be placed on probation for three (3) years with the following conditions:

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 (1) the appropriate role of a pharmacy technician, (2) prevention of dispensing errors and appropriate responses to knowledge of a dispensing error, and (3) continuous quality improvement initiatives. The CPE shall be *not less than* six (6) 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* pharmacy policies and procedures for the following: (1) education of technicians regarding the appropriate technician role in a pharmacy, (2) instruction of all pharmacy personnel regarding limitations on technician activity, (3) training of relief pharmacists regarding the role of technicians and (4) training of relief

pharmacists regarding reduction of dispensing errors and appropriate responses to knowledge of a dispensing error. Following review and approval by the Board, Respondent agrees to adopt, implement, and adhere to these policies and procedures in her current employment setting 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, 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 (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 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 her 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.

8. Upon the Board's approval of this Stipulation and Consent Order, Respondent shall be assessed a civil penalty in the amount of \$1000. 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.

9. 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 (2003) and 657 IAC 36.

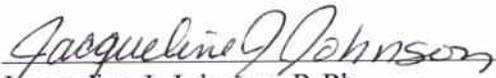
10. This Stipulation and Consent Order is the resolution of a contested case. By entering into this Stipulation and Consent Order, Respondent waives all rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to this Stipulation and Consent 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 the Board or Respondent. If the Board approves this Stipulation and Consent Order, it shall

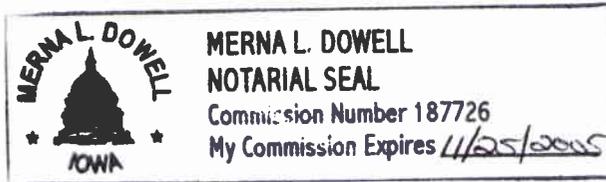
be the full and final resolution of this matter.

11. 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 10th day of May 2004.


Jacqueline J. Johnson, R.Ph.
Respondent

Subscribed and sworn to before me by Jacqueline J. Johnson on this 10th day of May 2004.




NOTARY PUBLIC IN AND FOR
THE STATE OF IOWA

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 7 day of October 2004.


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
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

Thomas G. Crabb
505 5th Avenue,
Des Moines, Iowa 50309

BEFORE THE BOARD OF PHARMACY STATE OF IOWA

**IN THE MATTER OF THE STIPULATION AND CONSENT ORDER AGAINST
JACQUELINE JOHNSON-ONESTO, R.Ph., RESPONDENT**

2003-36

TERMINATION ORDER

DATE: October 8, 2007

1. On October 6, 2004, a Stipulation and Consent Order was issued by the Iowa Board of Pharmacy placing the license to practice pharmacy, number 18672 issued to Jacqueline J. Johnson-Onesto on July 24, 1996, on probation for a period of three years 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 PHARMACY



Paul Abramowitz, Board Chairperson
400 SW 8th Street, Suite E
Des Moines, Iowa 50309-4688