

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

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Re:	)	Case No. 2002-98
Pharmacy License of	)	
<b>JRG Supply</b>	)	<b>STATEMENT OF CHARGES</b>
License No. 948	)	
Respondent	)	

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**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 (2001).
3. Effective December 27, 2002, the Board renewed Respondent's pharmacy license number 948, with Frederick C. Marcalus as pharmacist in charge, allowing Respondent to engage in the operation of a pharmacy subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent also possesses a wholesale drug license, number 5083, which is current until December 31, 2003.
5. At all times material to the charges herein, Respondent was operating it business at 910 Tennyson Avenue, Stratford, Iowa 50249.

**COUNT I**

The Respondent is charged under Iowa Code §§ 155A.15, 155A.27 (2003) and 657 Iowa Administrative Code §§ 6.2, 6.8, 8.15 & 36.1(4) with inadequate record keeping.

**COUNT II**

The Respondent is charged under Iowa Code § 155A.15 (2003) and 657 Iowa Administrative Code §§ 6.2, 6.7 and 6.8 with failing to maintain control over and accountability for drugs, including the failure to maintain the drug inventory in a secure place.

### COUNT III

The Respondent is charged under Iowa Code § 155A.15(e) (2003) and 657 Iowa Administrative Code § 3.1(4) with allowing and employing an employee who is not a licensed pharmacist to practice pharmacy.

### COUNT IV

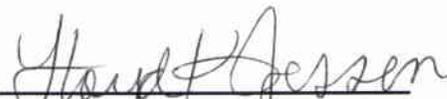
The Respondent is charged under Iowa Code § 155A.15 (2003) and 657 Iowa Administrative Code § 36.1(4) with a lack of professional competency, including repeated departure from, or failure to conform to, the minimal standard or acceptable and prevailing practice of pharmacy in the State of Iowa.

### THE CIRCUMSTANCES

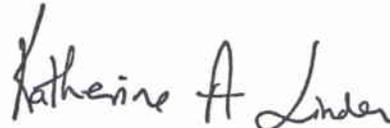
On or about October 7, 2002 an investigation of JRG Supply was conducted, revealing the following:

1. The pharmacy consists of a small office inside a building used largely for non-pharmacy purposes. A portion of the pharmaceutical inventory, including human prescription drugs, is maintained in an unsecured area outside the pharmacy.
2. The pharmacy is unsecured due to the fact that numerous non-pharmacists have keys.
3. Pharmaceuticals are being dispensed without review by a pharmacist. When no pharmacist is on site, prescription orders are filled by a technician or unlicensed staff member and shipped after a brief entry is made on an emergency veterinarian request log.
4. The pharmacist in charge on the above date, Carolyn L. Marcalus, rarely spends time at the pharmacy, while pharmacist Fred Marcalus spends half an hour at the pharmacy, twice a week.

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 19<sup>th</sup> day of February 2003, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.

  
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 50319

JRG pharmacy 33d

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

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Re: Pharmacy License of  
**JRG Supply**  
License No. 948  
Respondent

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**STIPULATION  
AND  
CONSENT ORDER**

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On this 24<sup>th</sup> day of June, 2003, the Iowa Board of Pharmacy Examiners and JRG Supply, of 910 Tennyson Avenue, Stratford, Iowa, each hereby agree with the other and stipulate as follows:

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 February 19, 2003, 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 pharmacy in Iowa was renewed on December 27, 2002, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa pharmacy license number 948 issued to Respondent is current until December 31, 2003.
3. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.
4. A Statement of Charges was filed against Respondent on February 19, 2003.

## SECTION I

Respondent's pharmacy license number 948 shall be placed on probation for two (2) years with the following terms and conditions, beginning on the date this Order is accepted by the Board:

1. Within thirty (30) days of the date of approval of this Stipulation and Consent Order by the Board, the Respondent shall submit to the Board, for its approval, a written policy and procedure for the following: (a) pharmacy record keeping; (b) control, accountability, and security for prescription drugs; (c) dispensing of prescription drugs to ultimate users by an Iowa-licensed pharmacist; and (d) dispensing from an emergency supply of prescription products. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to these policies and procedures whenever engaging in the operation of a pharmacy.

2. During probation, Respondent shall inform the board at least ten (10) days in advance of any proposed change of pharmacist in charge, ownership of business, name of business, or location of business.

3. During probation, Respondent shall report to the board or its designee monthly. Said report shall be in writing and shall be due the 5<sup>th</sup> day of each month. The report shall include a detailed summary of the Respondent's prescription drug dispensing activity for the previous month, including a listing of all drugs dispensed from the pharmacy's emergency supply of veterinary prescription products, and any further information deemed necessary by the board from time to time.

4. The Respondent shall obey all federal and state laws, rules, and regulations substantially related to the operation of a pharmacy.

5. Respondent shall notify all present and prospective employees of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent

by this document. Within thirty (30) days after approval of this Stipulation and Consent Order by the Board, and before hiring any new employee, Respondent shall cause all present and prospective employees, including pharmacists, to report to the Board in writing acknowledging that the employee has read this document and understands it.

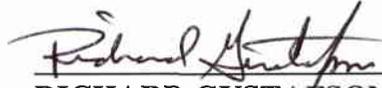
## **SECTION II**

1. Respondent shall fully and promptly comply with all Orders of the Board and the statutes and rules regulating the practice of pharmacy in Iowa. Any violation of the terms of this Order is grounds for further disciplinary action, upon notice and opportunity for hearing, for failure to comply with an Order of the Board, in accordance with Iowa Code section 272C.3(2)(a). If a statement of charges or petition to revoke probation is filed against Respondent 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.

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

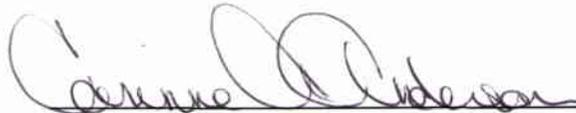
3. This proposed settlement is subject to approval of a majority of the full Board. If the Board fails to approve this proposed settlement, it shall be of no force or effect to either party. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.

4. This Stipulation and Consent Order is voluntarily submitted on behalf of Respondent to the Board for its consideration on the 6 day of June 2003, 2003.

  
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**RICHARD GUSTAFSON**  
President, JRG Supply

Subscribed and Sworn to before me on this 6<sup>th</sup> day of June 2003, 2003.

 CORINNE ANDERSON  
Commission Number 188293  
MY COMM. EXP. JAN. 16, 2006

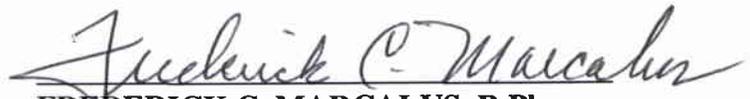
  
\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA

  
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**ROGER GUSTAFSON**  
Secretary/Treasurer, JRG Supply

Subscribed and Sworn to before me on this 6<sup>th</sup> day of June 2003, 2003.

 CORINNE ANDERSON  
Commission Number 188293  
MY COMM. EXP. JAN. 16, 2006

  
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NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA

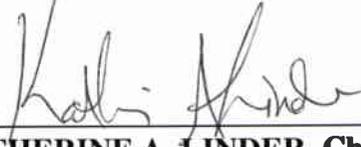
  
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**FREDERICK C. MARCALUS, R.Ph.**  
Pharmacist in charge, JRG Supply

Subscribed and Sworn to before me on this 6<sup>th</sup> day of June 2003, 2003.

 CORINNE ANDERSON  
Commission Number 188293  
MY COMM. EXP. JAN. 16, 2006

  
\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA

5. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 24<sup>th</sup> day of June, 2003.



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**KATHERINE A. LINDER, Chairperson**  
Iowa Board of Pharmacy Examiners  
RiverPoint Business Park  
400 S.W. 8<sup>th</sup> Street, Suite E  
Des Moines, Iowa 50309-4688