

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

Re:)	Case No. 2003-39
Pharmacist License of)	
AMY L. KEAST)	STATEMENT OF CHARGES
License No. 17113)	
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 August 3, 1988, the Board issued Respondent, following examination, a license to engage in the practice of pharmacy as evidenced by license number 17113, 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 2306 Cyclone, Harlan, Iowa 51537
6. At all times material to this statement of charges, respondent was the pharmacist in charge at Dave's Pharmacy located at 1808 23rd Street, Harlan, Iowa 51537-0069.

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, with regard to maintenance of pharmacy records, a failure to exercise in a substantial respect that degree of care which is ordinarily exercised by the average pharmacy in the state of Iowa acting under the same or similar circumstances.

COUNT II – FAILURE TO MAINTAIN ADEQUATE RECORDS

Respondent is charged under Iowa Code § 155A.12(4) (2003) and 657 Iowa Administrative Code § 36.1(4)(cc) with a failure to maintain complete and accurate records as required by law, regulation and rule.

COUNT III – FAILURE TO MAINTAIN A CONTROLLED SUBSTANCES INVENTORY

Respondent is charged under Iowa Code § 155A.12(1) (2003) and 657 Iowa Administrative Code §§ 10.16, 10.35(3) and 36.1(4) with a failure maintain a biennial inventory of stocks of controlled substances.

B. FACTUAL CIRCUMSTANCES

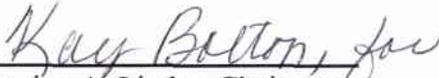
On or about April 28, 2003 an investigation was commenced which revealed the following:

1. In response to complaints of erroneous billings (overcharges), Respondent was unable to provide complete information as to the basis for billings from Dave's Pharmacy and the basis for a refund provided to a Dave's Pharmacy customer.
2. A routine examination of the Dave's Pharmacy revealed that the pharmacy does not keep a biennial inventory of controlled substances. Additionally, a limited audit of four controlled substances revealed that sales of those controlled substances significantly exceed inventory receipts of the substances.
3. Dave's Pharmacy did not maintain a log of pharmacist codes or a log of pharmacy staff members, including the dates and hours of work. Dave's Pharmacy dispensed prescriptions – in non-emergency situations -- prior to obtaining a written script from a prescriber.

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.


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. 2003-39
Pharmacist License of)	
AMY L. KEAST)	STIPULATION
License No. 17113)	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 Amy L. Keast (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 August 3, 1988, following examination, as evidenced by Pharmacist License Number 17113, 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 the pharmacist in charge at Dave's Pharmacy, 1808 23rd Street, Harlan, Iowa 51537-0069.
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 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 registration shall be placed on probation for a term of two (2) years provided, however, that only those time periods during which Respondent is employed as a pharmacist shall count toward exhaustion of the probationary term. 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 the Controlled Substances Act. The CPE shall be not less than two (2) 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) controlled substances record-keeping, including completion of the required biennial controlled substances inventory, (2) pharmacy personnel record-keeping, (3) general pharmacy inventory record-keeping and (4) continuous quality improvement initiatives. 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, *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 (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. The Board and Respondent agree that the above-described two (2) year probationary period may be modified by the Board, at Respondent's request, after presentation of evidence of Respondent's ongoing compliance with all regulations and statutes relating to the practice of pharmacy. In no event, however, shall Respondent's probationary period be less than one year.

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 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 (2003) 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.

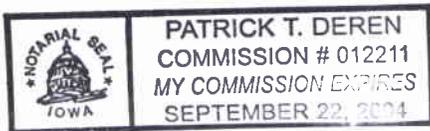
13. The Board's approval of this Stipulation and Consent Order shall constitute a FINAL ORDER of the Board in a disciplinary action.

This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 30 day of June 2004.

Amy L. Keast

Amy L. Keast, R.Ph.
Respondent

Subscribed and sworn to before me by Amy L. Keast on this 30 day of June 2004.



Patrick T. Deren

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 13 day of July 2004.

Michael J. Seifert

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
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Keast settlement.doc