

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

---

Re: )  
Pharmacy License of )  
**KIMBALL AVENUE DRUG** ) **STATEMENT OF CHARGES**  
License No. 334 )  
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 (1997).
3. On December 14, 1998, the Board renewed the Respondent's general pharmacy license number 334 with Michael F. Girsch as pharmacist in charge, allowing Respondent to engage in the operation of pharmacy subject to the laws of the State of Iowa and the rules of the Board.
4. General pharmacy license number 334 is current until December 31, 1999.
5. Respondent is currently operating a general pharmacy at 2104 Kimball Avenue, Waterloo, Iowa 50701, with Michael F. Girsch as the pharmacist in charge.

**COUNT I**

The Respondent is charged under Iowa Code § 155A.15(2)(c) (1997) and 657 Iowa Administrative Code §§ 6.2(1)(a) & (b), 8.18, 8.19, 8.20, 9.1(4)(b)(4) with failure to ensure that its pharmacists perform prospective drug use review and provide patient counseling, including failure to provide patients with printed information which includes an invitation to call the pharmacy at a toll-free number to received patient counseling.

**THE CIRCUMSTANCES**

1. On January 19 and 20, 1999, as part of a shopper survey conducted by the Board and in the Board's follow-up investigation after the shopper survey, the Board

became aware that the Respondent's practice of collecting patient information is not complete, making it difficult to conduct a complete prospective drug use review of the therapeutic appropriateness of the patient's drug therapy.

2. The investigation also revealed that the Respondent does not provide patients with drug information sheets unless patients request them and that the information sheets that are provided do not include an invitation to call the pharmacy at a toll-free number to receive counseling as required by 657 Iowa Administrative Code § 8.20(2).

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 14 day of April, 1999, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.

  
Arlan D. VanNorman, Chairperson  
Iowa Board of Pharmacy Examiners  
1209 East Court Avenue  
Des Moines, Iowa 50319

cc: Shauna Russell Shields  
Assistant Attorney General  
Hoover State Office Building  
Des Moines, Iowa 50319

SEP-14-1999 16:58

PHARMACY BOARD

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

Re: Pharmacist License of  
**KIMBALL AVENUE DRUG**  
License No. 334  
Respondent

**STIPULATION  
AND  
CONSENT ORDER**

On this 15th day of July, 1999, the Iowa Board of Pharmacy Examiners and Kimball Avenue Drug, 2104 Kimball Avenue, Waterloo, Iowa 50701, 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 April 14, 1999, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That on December 14, 1998, the Iowa Board of Pharmacy Examiners renewed Respondent's Iowa General Pharmacy License Number 334, 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.
2. That Iowa General Pharmacy License Number 334 issued to Respondent is active and current until December 31, 1999.
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 April 14, 1999.

SEP-14-1999 16:58

PHARMACY BOARD

5. This Stipulation and Consent Order is entered into in order to resolve disputed claims and constitutes no admission on the part of the Respondent.

6. Respondent agrees to accept a Citation and Warning for the allegations set forth in the Statement of Charges.

7. Within sixty (60) days of the date of approval of this Stipulation and Consent Order by the Board, the Respondent shall develop and submit to the Board, for its approval, a written policy and procedure for ensuring that the patient information collected by Respondent is complete and accurate as required by Board rules. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to this policy and procedure.

8. Respondent shall file a sworn report with the Board attesting to its compliance with all the terms and conditions of this Citation and Warning six months after the Board's approval of this Stipulation and Consent Order.

9. Respondent shall pay a civil penalty of \$1,000.00 within 30 days of the date of approval of this Stipulation and Consent Order by the Board. Respondent shall deliver a check made payable to the Treasurer of the State of Iowa to the Executive Secretary/Director of the Board. The check shall be deposited into the general fund of the State of Iowa.

10. The Respondent shall comply with all of the requirements contained in 657 Iowa Administrative Code chapter 6, "General Pharmacy Licenses," and shall obey all other federal and state laws, rules, and regulations substantially related to the practice of pharmacy.

11. Respondent shall submit to random unannounced visits to or inspections by the Board or agents of the Board to verify compliance with this Order.

12. 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

SEP-14-1999 16:59

PHARMACY BOARD

opportunity for hearing, for failure to comply with an Order of the Board, in accordance with Iowa Code section 272C.3(2)(a).

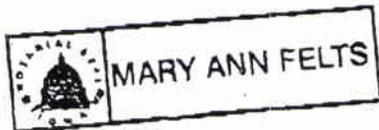
13. This proposed settlement is subject to approval of a majority of the full Board. If the Board fails to approve this proposed settlement, it shall be of no force or effect to either party. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.

\*\*\*\*\*

14. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 15 day of September 1999.

Michael F. Girsch  
Michael F. Girsch, Pharmacist in charge  
Kimball Avenue Drug  
Respondent

Subscribed and Sworn to before me on this 15th day of September 1999.



Mary Ann Felts  
NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA

15. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 15th day of September, 1999.

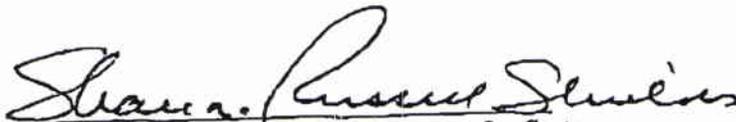
Arlan D. Van Norman  
ARLAN D. VAN NORMAN, Chairperson  
Iowa Board of Pharmacy Examiners  
Executive Hills West  
1209 East Court Avenue  
Des Moines, Iowa 50319

APPROVED AS TO FORM

Robert Dieter  
Robert Dieter - Attorney for Respondent

SEP-14-1999 16:59

PHARMACY BOARD

  
Shauna Russell Shields - Attorney for State

cc: Shauna Russell Shields, Assistant Attorney General  
Robert Dieter