

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

Re:)
Pharmacist License of)
HOWARD D. KLOBNAK) **STATEMENT OF CHARGES**
License No. 12108)
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 September 23, 1954, Howard D. Klobnak, the Respondent, was issued license number 12108 by the Board to engage in the practice of pharmacy, subject to the laws of the State of Iowa and the rules of the Board.
4. License number 12108 is current and active until June 30, 2000.
5. Respondent's current address is 408 Knoll Drive, Norwalk, Iowa 50211.
6. Respondent is currently self-employed as the owner and pharmacist in charge of Norwalk Pharmacy and has been employed as such during all times relevant to this statement of charges.

COUNT I

The Respondent is charged under Iowa Code § 155A.12(1) (1997) and 657 Iowa Administrative Code §§ 9.1(4)(c), 9.1(4)(j), and 9.1(4)(u) with failing to prevent a medication dispensing error on or about August 10, 1998.

COUNT II

The Respondent is charged with allowing an employee to function as a pharmacy technician without obtaining an Iowa pharmacy technician registration in violation of 1997 Iowa Code §§ 155A.6(6) and 155A.12(1) and 657 Iowa Administrative Code Sections 9.1(4)(j), 9.1(4)(u), and 22.4.

COUNT III

The Respondent is charged with failure to remove and quarantine all outdated prescription drugs from dispensing stock at Norwalk Pharmacy in violation of 1997 Iowa Code § 155A.12(1) and 657 Iowa Administrative Code Section 6.7(3)(b).

COUNT IV

The Respondent is charged under Iowa Code Section 155A.12(1) (1997) and 657 Iowa Administrative Code Sections 6.5(2) and 9.1(4)(b)(4) with failing to maintain the prescription department at the Norwalk Pharmacy in an orderly and sanitary condition.

THE CIRCUMSTANCES

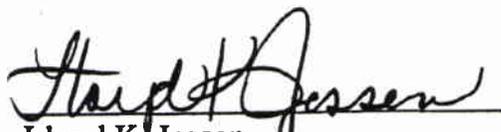
1. On September 10, 1998, the Board investigated a complaint which alleges that Respondent made a dispensing error when filling a prescription for Atenolol 25mg for patient "Jane Doe" on August 10, 1998. The patient received Atenolol 50mg in error. The Respondent has stated that he was on duty when the error occurred but does not recall how the dispensing error happened.

2. During the course of the investigation on September 10, 1998, it was observed that Kevin E. Klobnak has been continuously employed as a pharmacy technician at Norwalk Pharmacy since before January 1, 1998, without an Iowa pharmacy technician registration. Since January 1, 1998, the board of pharmacy examiners has required that all pharmacy technicians be registered with the board.

3. During the course of the investigation on September 10, 1998, approximately 286 outdated prescription drugs were found in the dispensing stock of the prescription department of Norwalk Pharmacy. In addition, there was evidence that an outdated prescription drug, Folic Acid 1mg, had been dispensed to patient "John Doe" on or about September 2, 1998. In a routine pharmacy inspection conducted on February 24, 1998, Respondent was advised by a board inspector that "all outdated drugs must be removed from the dispensing area and quarantined."

4. During the course of the investigation on September 10, 1998, it was observed that the prescription department of Norwalk Pharmacy was disorderly and unsanitary.

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 16th day of September, 1998, 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. Van Norman, Chairperson
Iowa Board of Pharmacy Examiners
Executive Hills West
1209 East Court Avenue
Des Moines, Iowa 50319

cc: Linny Emrich
Assistant Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

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

Re: Pharmacist License of
HOWARD D. KLOBNAK
License No. 12108
Respondent

**STIPULATION
AND
INFORMAL SETTLEMENT**

COMES NOW the Iowa Board of Pharmacy Examiners (the Board) and Howard D. Klobnak, R.Ph. (Respondent) and, pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (1997), enter into the following Stipulation and Informal Settlement of the contested case currently on file:

1. Respondent was issued a license to practice pharmacy on the 23rd day of September, 1954, by examination, as evidenced by license number 12108, which is recorded in the permanent records of the Board.
2. Iowa Pharmacist License Number 12108 issued to and held by Respondent is current and active until June 30, 2000.
3. Respondent is currently self-employed as the owner and pharmacist in charge of the Norwalk Pharmacy in Norwalk, Iowa.
4. A Statement of Charges and Notice of Hearing was filed against Respondent on September 16, 1998.
5. The Board has jurisdiction over the parties and the subject matter herein.

6. This Stipulation and Informal Settlement is executed as a compromise settlement of disputed claims.

7. Respondent's license to practice pharmacy is placed on probation for a period of three (3) years from the date of approval of this Stipulation and Informal Settlement. During the probationary period the Respondent shall:

a. Obey all federal and state laws and regulations substantially related to the practice of pharmacy and the distribution of controlled substances and all federal and state criminal laws.

b. Respondent shall file sworn quarterly reports with the Board attesting to his compliance with all the terms and conditions of this Stipulation and Informal Settlement. The reports shall be filed not later than September 5, December 5, March 5, and June 5 of each year of the Respondent's probation. The quarterly reports shall include the Respondent's place of employment, current address, and any further information deemed necessary by the Board from time to time. Respondent's first quarterly report shall be filed with the Board not later than December 5, 1998.

c. Provide evidence of efforts to maintain skill and knowledge as a pharmacist through continuing education (CE) as directed by the Board.

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

8. Within sixty (60) days of the date of approval of this Stipulation and Informal Settlement by the Board, the Respondent shall develop and submit to the Board, for its approval, a written policy and procedure for preventing medication dispensing errors. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to this policy and procedure whenever engaging in the practice of pharmacy.

9. Within sixty (60) days of the date of approval of this Stipulation and Informal Settlement by the Board, the Respondent shall develop and submit to the Board,

for its approval, a written policy and procedure for employing pharmacy technicians. The policy and procedure shall include a plan for Respondent to follow to ensure that persons employed by him who function as pharmacy technicians are registered with the Board. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to this policy.

10. Within sixty (60) days of the date of approval of this Stipulation and Informal Settlement by the Board, the Respondent shall develop and submit to the Board, for its approval, a written policy and procedure for removing and quarantining all outdated prescription drugs from the dispensing stock at Norwalk Pharmacy. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to this policy and procedure.

11. Respondent shall maintain the prescription department in an orderly and sanitary condition.

12. Respondent shall pay a civil penalty of \$500.00 within 30 days of the date of approval of this Stipulation and Informal Settlement 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.

13. Respondent shall notify any and all 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 approval of this Stipulation and Informal Settlement by the Board, and within fifteen (15) days of undertaking new employment as a pharmacist, Respondent shall cause his pharmacy employer to report to the Board in writing acknowledging that the employer has read this document and understands it.

14. Should Respondent leave Iowa to reside in and practice pharmacy in another State, Respondent shall notify the Board in writing of the dates of departure and

return. Periods of residence and practice outside the State shall not apply to reduction of the probationary period.

15. 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 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.

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

17. This Stipulation and Informal Settlement is subject to approval of a majority of the full 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.

18. This Stipulation and Informal Settlement is voluntarily submitted by the Respondent to the Board for its consideration on the 27th day of October, 1998.


HOWARD D. KLOBNAK, R.Ph.
Respondent

Subscribed and Sworn to before me on this 27th day of October, 1998.


NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

19. This Stipulation and Informal Settlement is accepted by the Iowa Board of Pharmacy Examiners on the 24 day of November, 1998.


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