

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

Re:)	Case No. 2002-14560
Pharmacist License of)	
KIM E. KRAMER)	STATEMENT OF CHARGES
License No. 14560)	
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 (2001).
3. On July 1, 1975, the Board issued Respondent, Kim E. Kramer, a license to engage in the practice of pharmacy by examination as evidenced by license number 14560, subject to the laws of the State of Iowa and the rules of the Board.
4. License number 14560 is current and active until June 30, 2002.
5. Respondent's current address is 800 West Madison, Lake City, Iowa 51449.
6. Upon information and belief, the Respondent is not currently employed as a pharmacist. The Respondent was employed as the pharmacist in charge at the Walmart pharmacy and then at the Hy Vee pharmacy in Carroll, Iowa during times relevant to this statement of charges.

COUNT I

The Respondent is charged with unlawful possession of prescription drugs in violation of Iowa Code § 155A.21 (2001) and 657 Iowa Administrative Code §§ 36.1(4)(h), 36.1(4)(j), and 36.1(4)(u).

COUNT II

The Respondent is charged with the inability to practice pharmacy with reasonable skill

and safety by reason of by reason of excessive use of alcohol, chemical abuse, and/or mental impairment in violation of Iowa Code § 155A.12(1) (2001) and 657 Iowa Administrative Code §§ 36.1(4)(d), 36.1(4)(j), 36.1(4)(m), and 36.1(4)(u).

COUNT III

The Respondent is charged under Iowa Code §§ 155A.12(1), 155A.27, 155A.32(3) (2001) and 657 Iowa Administrative Code §§ 6.2(1)(i) & (k), 6.8, 8.4(3), 8.15(2) & 36.1(4) and 21 CFR 1304.11 & 1306.22(b)(3) with inadequate record keeping, including but not limited to failure to maintain controlled substances records in a readily retrievable manner and failure to maintain C-2 records separately from all other records.

COUNT IV

The Respondent is charged under Iowa Code §§ 155A.12(1) (2001) and 657 Iowa Administrative Code § 36.1(4)(u) with violation of the laws of the State of Iowa and the United States relating to controlled substances by knowingly and unlawfully acquiring or obtaining a prescription for controlled substances by misrepresentation, fraud, forgery, deception or subterfuge in violation of Iowa Code §§ 124.403(1)(c)(2), 124.403(c), 124.210, 155A.23 & 155A.24.

THE CIRCUMSTANCES

1. On or about December 14, 2001, the Board received a complaint that the Respondent was suspected of controlled substances from the Walmart pharmacy in Carroll, Iowa where he had worked as the pharmacist in charge.
2. The Board's investigation of the alleged shortages at the Walmart pharmacy revealed shortages of several controlled substances and multiple deficiencies in controlled substance record keeping during the time that the Respondent was the pharmacist in charge at the pharmacy.
3. The Respondent had changed jobs and become the pharmacist in charge at the Hy Vee pharmacy in Carroll, Iowa in September of 2001.
4. The Board investigator reviewed the Respondent's controlled substance record-keeping and accountability at the Hy Vee pharmacy and discovered multiple deficiencies in the controlled record keeping during the time the Respondent was the pharmacist in charge. The investigator also noted shortages of controlled substances at the Hy Vee pharmacy.
5. The controlled record keeping deficiencies at the two pharmacies included, but are

not limited to:

- a. Failure to keep controlled drug records in a readily retrievable manner,
 - b. failure to maintain schedule II controlled drug records separately from all other records,
 - c. failure to maintain all copies of DEA form 222,
 - d. failure to record the actual date of receipt by the pharmacist or any other responsible individual on all invoices,
6. During the investigation, the Respondent admitted to the Board investigator that he had diverted substantial quantities of controlled substances for his own use over a period of approximately two years.
 7. The results of two psychological evaluations indicate that the Respondent suffers from chemical dependence and a possible mental impairment.
 8. The investigation uncovered evidence that the Respondent had forged prescriptions for controlled substances.

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 24 day of April, 2002, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.



Matthew C. Osterhaus, Chairperson
Iowa Board of Pharmacy Examiners
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

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

Re:) Pharmacist License of) KIM E. KRAMER) License No. 14560) Respondent)	Case No. 2002-14560 STIPULATION AND CONSENT ORDER
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COME NOW the Iowa Board of Pharmacy Examiners, ("the Board") and Kim E. Kramer, R.Ph. ("Respondent") and, pursuant to Iowa Code §§ 27A.10 and 272C.3(4) (2001), enter into the following Stipulation and Consent Order settling the contested case currently on file.

The licensee disciplinary hearing pending before the Iowa Board of Pharmacy Examiners, on the allegations specified in the Statement of Charges filed against the Respondent on April 24, 2002, shall be resolved without proceeding to hearing as the parties have agreed to the following Stipulation and Consent Order:

1. That the Respondent was issued a license to practice pharmacy in Iowa on July 1, 1975, by examination as evidenced by Pharmacist License Number 14560, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacist License Number 14560, issued to and held by the Respondent is active and current until June 30, 2002.
3. The Respondent is not currently employed as a pharmacist.
4. A Statement of Charges was filed against the Respondent on April 24, 2002.

5. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.
6. The Respondent does not contest the allegations set forth in the Statement of Charges and acknowledges that the allegations constitute grounds to discipline his license to practice pharmacy in Iowa.
7. Upon the date of the Board's approval of this Stipulation and Consent Order, Respondent's license shall be placed on probation for a period of five (5) year(s), under the following terms and conditions:
 - a. Respondent shall not consume alcohol.
 - b. Respondent shall not use any controlled substance or prescription drug in any form unless the controlled substance or prescription drug has been authorized and prescribed for Respondent by a licensed, treating physician or other qualified treating health care provider. The Respondent shall inform any treating physician or other treating health care provider of his medical history, including his history of chemical dependency.
 - c. Respondent shall complete an intensive residential chemical dependency treatment program geared towards health care professionals at a facility that is pre-approved by the Board. Said treatment shall include, but is not limited to addressing the allegations in the Statement of Charges and the issues raised by the evaluations of the Respondent conducted by Dr. Kenneth Israel, Ph.D. and by Dr. Gregory P. Barclay, M.D. The Respondent agrees to comply with the recommendations of his treatment

provider. In agreeing to this Settlement Agreement and Final Order, the Respondent explicitly waives any objection to the Board's releasing details relating to this disciplinary action, including the investigative file, to the treatment provider to assist the treatment provider in treatment of the Respondent.

- d. Respondent shall provide witnessed blood or urine specimens on demand by an agent of the Board. The specimens shall be used for alcohol and drug screening and to verify Respondent's compliance with any drug therapy ordered by Respondent's physician, all costs of which shall be paid by the Respondent.
- e. Respondent shall comply with all treatment recommendations of his treatment program and his physician and/or counselor. The treatment program or physician/counselor shall submit quarterly reports to the Board documenting the Respondent's compliance with the treatment program.
- f. Respondent shall file written, sworn quarterly reports with the Board attesting his compliance with all the terms and conditions of this Stipulation and Consent Order. 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 home address, home telephone number, or work telephone number, and any further information deemed necessary by the Board from time to time.

- g. Respondent shall attend aftercare meetings and Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) meetings as recommended by Respondent's physician or treatment provider. The Respondent shall append to each quarterly report referred to in subparagraph 7(f) above, statements signed or initialed by another person in attendance at the meetings attesting to the Respondent's attendance and continuing participation. The statement shall include the time, date, and location of the meetings attended.
- h. Respondent shall make personal appearance before the Board or a Board committee upon request. The Respondent shall be given reasonable notice of the date, time, and location for such appearances. Any such appearance shall be subject to the waiver provisions of 657 Iowa Administrative Code § 35.9.
- i. Respondent shall obey all federal and state laws and regulations substantially related to the practice of pharmacy and the distribution of controlled substances.
- j. Respondent shall provide evidence of efforts to maintain skill and knowledge as a pharmacist through continuing education (CE) as directed by the Board.
- k. Respondent shall not supervise any registered pharmacist-intern and shall not perform any of the duties of a pharmacy preceptor.
- l. Respondent shall not serve as the pharmacist in charge of a pharmacy.

- m. Respondent shall participate in the Iowa Pharmacy Recovery Network (IPRN) program under the direct support of a pharmacist advocate.
- n. During probation, Respondent shall inform the Board in writing within ten (10) days of any change of home address, place of employment, home telephone number, or work telephone number.
- o. Respondent shall notify all present and 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 Consent Order 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.
- p. Respondent agrees to release all his medical records to the Board, including all medical recordings pertaining to treatment for mental conditions and for alcohol and substance abuse, and agrees to allow the free flow of information between the Board and Respondent's physician(s) and treatment provider(s) and to ensure that the Board receives all necessary information if further evaluation or treatment of Respondent is requested or required. This release of medical records, including records pertaining to treatment for alcohol and substance abuse, is effective for five (5) years from the date of the Board's approval of this Stipulation and

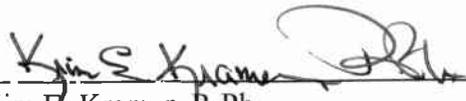
Consent Order.

- q. The Respondent shall not perform any duties relating to or assume any responsibilities for pharmacy management.
 - r. Within six (6) months of the date of approval of this Stipulation and Consent Order by the Board, the Respondent shall complete continuing pharmacy education (CPE) or other formal, structured education in controlled substance record keeping. The education 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 submitted to the Board. This education is in addition to the thirty (30) hours of continuing pharmacy education required every two years for license renewal.
8. 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 and 657 IAC 36.1.
9. This Stipulation and Consent Order is the resolution of a contested case. By entering into this Stipulation and Consent Order, the 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.
10. 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 party. 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.

12. This Stipulation and Consent Order is voluntarily submitted by the Respondent to the Board for its consideration on the 7 day of June, 2002.



Kim E. Kramer, R.Ph.
Respondent

Subscribed and sworn to before me by Kim E. Kramer on this 7 day of June, 2002.





NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

13. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 18 day of June, 2002.



MICHAEL J. SEIFERT, Vice Chairperson
Iowa Board of Pharmacy Examiners
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

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

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

**IN THE MATTER OF THE STIPULATION AND CONSENT ORDER AGAINST
KIM E. KRAMER, R.Ph., RESPONDENT
2002-14560**

TERMINATION ORDER

DATE: June 18, 2007

1. On June 18, 2002, a Stipulation and Consent Order was issued by the Iowa Board of Pharmacy Examiners placing the license to practice pharmacy, number 14560 issued to Kim E. Kramer on July 1, 1975, on probation for a period of five years under certain terms and conditions.

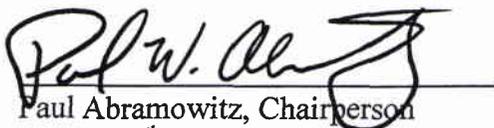
2. Respondent has successfully completed the probation as directed.

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 PHARAMCY



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