

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

Re:	)	Case No. 2005-51
Pharmacist License of	)	
<b>TOM KRUSE</b>	)	<b>STATEMENT OF CHARGES</b>
License No. 16199	)	
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 (2005).
3. On August 31, 1982, the Board issued Respondent, following examination, a license to engage in the practice of pharmacy as evidenced by license number 16199, 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, 2006.
5. Respondent's current address is 5258 Berkshire Court, Bettendorf, Iowa 52722.
6. Respondent is the pharmacist in charge at First Med Pharmacy, 1803 East Kimberly Road, Davenport, Iowa 52806.

**A. CHARGE**

**COUNT I – INADEQUATE SECURITY**

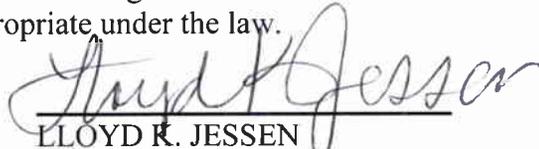
Respondent is charged under Iowa Code §§ 124.308, 124.402, 155A.15(2)(i) (2005) and 657 Iowa Administrative Code §§ 6.2, 6.7, 10.15 and 36.1(4)(u) with a failure to establish adequate security and effective controls against diversion of prescription drugs, including controlled substances.

**B. CIRCUMSTANCES**

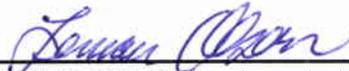
On or about May 31, 2005 an investigation was commenced which revealed the following:

1. On May 6, 2005, Respondent noted inventory discrepancies at the First Med Pharmacy where he is the pharmacist-in-charge. On May 12, 2005, security cameras were installed in the pharmacy.
2. On May 13, 2005, the security cameras recorded a technician taking 3 pints of cough syrup (2 pints of Promethazine with codeine and one pint of Tussionex). The technician subsequently acknowledged taking a bottle of Vicodin tablets earlier the same day.
3. The technician admitted to a Pharmacy Board compliance officer that she had stolen drugs, including controlled substances, from the pharmacy. She stated that the thefts began in March of 2003 and continued until her arrest.
4. Drugs stolen from the pharmacy were sold to a succession of persons who were aware of the technician's employment at the pharmacy.
5. An audit of pharmacy records revealed substantial shortages of controlled substances, including shortages of Alprazolam 0.5 mg. (5,844 tablets), Hydrocodone/APAP 5/500 (45,580 tablets), Hydrocodone/APAP 7.5/500 (32,803 tablets) and Hydrocodone/APAP 7.5/750 (8,283 tablets).

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 R. JESSEN  
Executive Secretary/Director

On this <sup>th</sup> 16 day of November 2005, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.

  
LEMAN E. OLSON, Vice 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

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IOWA PHARMACY EXAMINERS

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

Re:	)	Case No. 2005-51
Pharmacist License of	)	
<b>TOM KRUSE</b>	)	<b>CITATION</b>
License No. 16199	)	<b>AND</b>
Respondent	)	<b>WARNING</b>

Pursuant to Iowa Code §§ 17A.10, 272C.3(2)(f) (2005) and 657 I.A.C. 36.1(2)(j), the Iowa Board of Pharmacy Examiners (hereinafter, “the Board”) and Tom Kruse (hereinafter, “Respondent”), enter into the following stipulated Citation and Warning, 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 31, 1982, after examination, as evidenced by Pharmacist License Number 16199, 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, 2008.
3. Respondent was, at all times material, employed as the pharmacist-in-charge at the First Med Pharmacy, 1803 East Kimberly Road, Davenport, Iowa 52806.
4. A Statement of Charges was filed against Respondent on November 16, 2005, following the theft of drugs by a former employee of First Med Pharmacy.

5. The Board has jurisdiction over the parties and jurisdiction over the subject matter of these proceedings.

6. Respondent believed appropriate safeguards were in place at the time of the theft. However, for the purposes of this stipulated Citation and Warning and in the interest of settlement, Respondent does not admit, but does not contest the allegations set forth in the Statement of Charges. Pursuant to 657 I.A.C. § 36.1(2)(j), Respondent accepts this Citation and Warning for a failure to maintain accurate control over and accountability for drugs, including controlled substances.

7. As a part of this Citation and Warning, Respondent has submitted written pharmacy policies and procedures regarding (a) the security and monitoring of controlled substances inventories, (b) the maintenance of records relating to controlled substances, and (c) the continuance or establishment of a perpetual inventory for all schedule 2 and schedule 3 controlled substances for the Board's approval.

8. This stipulated Citation and Warning is the resolution of a contested case. By entering into this stipulated Citation and Warning, Respondent waives all rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to this stipulated Citation and Warning.

9. 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 stipulated Citation and Warning, it shall be the full and final resolution of this matter.

10. The Board's approval of this stipulated Citation and Warning shall constitute a **FINAL ORDER** of the Board in a disciplinary action.

This stipulated Citation and Warning is voluntarily submitted by Respondent to the Board for its consideration on the 14 day of July 2006.

Tom Kruse RPh  
Tom Kruse, R.Ph.  
Respondent

Subscribed and sworn to before me by Tom Kruse on this 14 day of July 2006.



TERRI M. WILSON  
NOTARY PUBLIC IN AND FOR  
THE STATE OF IOWA

This stipulated Citation and Warning is accepted by the Iowa Board of Pharmacy Examiners on the 17 day of July 2006.

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  
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