

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2011-25
Pharmacist License of)	
JOSETTE LASNEK)	STATEMENT OF CHARGES
License No. 16696,)	
Respondent.)	

COMES NOW, the Complainant, Lloyd K. Jessen, and states:

1. He is the Executive Director for the Iowa Board of Pharmacy (hereinafter, "Board") 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 (2011).
3. On February 27, 1986, the Board issued Josette Lasnek ("Respondent"), after examination, a license to engage in the practice of pharmacy as evidenced by license number 16696, 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, 2012.
5. Respondent's most recent address of record is 1551 NW 108th St., Clive, Iowa 50325.
6. At all times material to this statement of charges, Respondent was employed as the pharmacist in charge at Mercy Specialty Care Pharmacy and Mercy Franklin Pharmacy, 1750 48th Street, Suite #4, Des Moines, Iowa 50310.

A. CHARGES

COUNT I – LACK OF PROFESSIONAL COMPETENCY

Respondent is charged with a lack of professional competency as demonstrated by willful and repeated departures from, and a failure to conform to, the minimal standard and acceptable and prevailing practice of pharmacy in the state of Iowa as evidenced by, among other things, Respondent's dispensing medications in the absence of a prescription, in violation of Iowa Code § 155A.12(1) (2011) and 657 Iowa Administrative Code § 36.1(4)(b).

COUNT II – ILLEGAL DISTRIBUTION OF DRUGS

Respondent is charged with distribution of drugs for other than lawful purposes in violation of Iowa Code §§ 155A.12(1) and 155A.23(1)(b) (2011), and 657 Iowa Administrative Code § 36.1(4)(h), specifically, diversion and distribution of drugs to herself and family members in the absence of a prescription.

COUNT III – UNETHICAL CONDUCT

Respondent is charged with unethical conduct in violation of Iowa Code §§ 155A.12(1) and 155A.12(2) (2011), and 657 Iowa Administrative Code § 8.11(8), specifically, theft of prescription medications.

COUNT IV – WILLFULLY MAKING FALSE STATEMENT

Respondent is charged with willfully making false statements in connection with prescriptions and records required by Iowa Code chapter 155A (2011) in violation of Iowa Code §§ 155A.12(1), 155A.12(4), 155A.23(1)(a)(2) and 155A.23(b) (2011), and 657 Iowa Administrative Code §§ 36.1(4)(j) and 36.1(4)(ac), by falsifying prescription records.

COUNT V – OBTAINING DRUGS BY SUBTERFUGE

Respondent is charged with obtaining prescription drugs by subterfuge in violation of Iowa Code §§ 155A.12(1) and 155A.23(1)(a)(1) (2011), and 657 Iowa Administrative Code § 36.1(4)(j).

B. CIRCUMSTANCES

An investigation was commenced on March 10, 2011 which revealed the following:

1. At all times material to this statement of charges, Respondent was employed as the pharmacist in charge at Mercy Specialty Care Pharmacy and Mercy Franklin Pharmacy, 1750 48th Street, Suite #4, Des Moines, Iowa 50310.
2. Respondent recorded, filled and dispensed, from Mercy Specialty Care Pharmacy and Mercy Franklin Pharmacy ("the pharmacy"), some prescription medications for her mother and an aunt. Over a period of years covering 2009 through 2011, Respondent also diverted medications from the pharmacy.
3. Respondent provided unlabeled medications to her aunt in pharmacy stock bottles and 'return to stock' pharmacy bottles.
4. Respondent dispensed medications to her aunt for which there was no prescription, or any record of the medication being dispensed from the pharmacy.

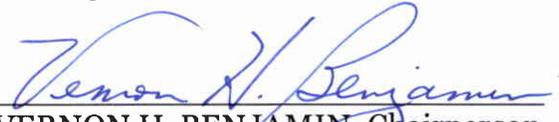
5. A two year audit of medications dispensed to Respondent's mother indicated that the pharmacy had dispensed 54 medications, 35 of which lacked a valid prescription. Where a valid prescription existed, 4 prescription records identified an incorrect prescriber and prescriber office.
6. During a one-year period audited by investigators, Respondent made co-pay payments of \$473.36 for prescription medications, when the appropriate co-pay would have been \$715.52. Assuming Respondent's aunt and mother received the medications they were regularly prescribed, Respondent may have taken medications worth as much as \$23,701 from the pharmacy without appropriate dispensing and payment records.
7. Inspection of the pharmacy revealed – among other things – that the pharmacy has been (a) failing to record prescription numbers on prescription hard copies, (b) failing to use correct NDC numbers when processing scripts, (c) dispensing medications after a prescription has expired, and (d) failing to identify the technician and verifying pharmacist when processing renewals.

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 Director

On this th 27 day of April 2011, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.



VERNON H. BENJAMIN, Chairperson
Iowa Board of Pharmacy
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 50319

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2011-25
Pharmacist License of)	
JOSETTE LASNEK)	CITATION
License No. 16696)	AND
Respondent)	WARNING

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011), the Iowa Board of Pharmacy (hereinafter, "Board") and Josette Lasnek (hereinafter, "Respondent"), enter into the following Stipulated Citation and Warning settling a licensee disciplinary proceeding currently pending before the Board.

Allegations contained in a Statement of Charges 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 February 27, 1986, following examination, as evidenced by Pharmacist License Number 16696 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, 2012.
3. Respondent was, at all times material to the Statement of Charges, employed as the pharmacist in charge at Mercy Specialty Care Pharmacy and Mercy Franklin Pharmacy, 1750 48th Street, Suite #4, Des Moines, Iowa 50310.
4. A Statement of Charges was filed against Respondent by the Board on April 27, 2011.
5. The Board has jurisdiction over Respondent and jurisdiction over the subject

matter of these proceedings.

6. Respondent denies the allegations set forth in the Statement of Charges, but enters into this agreement voluntarily in order to resolve the Statement of Charges without the necessity of a hearing.

7. Upon the Board's approval of this Stipulated Citation and Warning, Respondent shall be obligated to do the following:

a. Within three (3) months after the date of the Board's approval of this Stipulated Citation and Warning, Respondent shall complete not less than four (4) hours of formal, structured continuing pharmacy education ("CPE") which shall be pre-approved by the Board. The CPE shall be focused on pharmacist ethics (2 hours) and general pharmacy law (2 hours). Upon completion of the 4 hours of CPE, documentation of satisfactory completion 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. 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.

c. Within thirty (30) days after approval of this Stipulated Citation and Warning 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. It shall be Respondent's responsibility to assure that these reports are provided to the Board.

d. Respondent shall obey all federal and state laws, rules, and regulations related to the practice of pharmacy.

e. Respondent shall comply with such other reasonable terms as the Board may wish to impose.

8. Upon the Board's approval of this Stipulated Citation and Warning, Respondent shall be assessed a civil penalty in the amount of \$2,500. This civil penalty shall be paid promptly after the Board's approval of this Stipulated Citation and Warning, 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.

9. Should Respondent violate or fail to comply with any of the terms and conditions of this Stipulated Citation and Warning, the Board may initiate action to revoke or suspend Respondent's Iowa pharmacist license or impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2009) and 657 IAC 36.

10. 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.

11. The State's legal counsel may present this Stipulated Citation and Warning to the Board.

12. This Stipulated Citation and Warning 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.

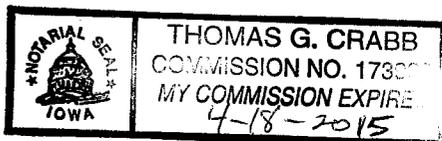
13. The Board's approval of this Stipulated Citation and Warning shall constitute a FINAL ORDER of the Board.

This Stipulated Citation and Warning is voluntarily submitted by Respondent to the Board for its consideration on the 19 day of June 2012.



JOSETTE LASNEK, R.Ph.
Respondent

Subscribed and sworn to before me by Josette Lasnek on this 19th day of June 2012.





NOTARY PUBLIC IN AND FOR
THE STATE OF IOWA

This Stipulated Citation and Warning is accepted by the Iowa Board of Pharmacy on the 27 day of June 2012.



SUSAN M. FREY, Chairperson
Iowa Board of Pharmacy
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Theresa Weeg
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319