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BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

JUN 07 2002

IOWA PHARMACY EXAMINERS

Re:

Pharmacist License of)

MICHAEL LAUBACH)

License No. 19149)

Respondent)

Case No. 2002-19149

STATEMENT OF CHARGES

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 May 13, 1999, the Board issued the Respondent, Michael Laubach, a license to engage in the practice of pharmacy by reciprocity as evidenced by license number 19149, subject to the laws of the State of Iowa and the rules of the Board.
4. License number 19149 is current and active until June 30, 2004.
5. Upon information and belief, the Respondent's current address is 11028 Jollyville Rd. #247, Austin, Texas 78759.
6. Upon information and belief the Respondent is currently employed as a pharmacist in the State of Texas. The Respondent served as the pharmacist in charge at NuCara Pharmacy #3, 209 E. San Marnan, Waterloo, Iowa 50702 during all times relevant to this statement of charges.

COUNT I

The Respondent is charged under Iowa Code § 155A.12 (2001) and 657 Iowa Administrative Code §§ 36.1(4)(i) with intentional or repeated violation of Board rules including but not limited to rules 6.2(1)(a) (legal operation of pharmacy), 6.7 (outdated drugs), 6.8 (DEA form 222 documentation), 8.12 (policies and procedures for shipping and/or delivering prescription drugs), 22.16 (documentation of technician training), 8.32 (expiration dating on emergency containers), 20.11 & 20.12 (compounding records and check by pharmacist), 8.30(3) (reference library), 8.30(4) (policies and procedures for sterile products)

COUNT II

The Respondent is charged under Iowa Code § 155A.12 (2001) and 657 Iowa Administrative Code §§ 36.1(4)(i) with failing to maintain adequate compounding records as required by 657 Iowa Administrative Code §§ 20.11 & 20.12.

THE CIRCUMSTANCES

1. While investigating a complaint received about the pharmacy where the Respondent served as pharmacist in charge, a Board investigator conducted a routine inspection of the Respondent's pharmacy.
2. The inspection revealed numerous violations of the Board's rules including the following:
 - a. IAC 657-6.7 – There were outdated drugs in the compounding area.
 - b. IAC 657-6.8 - Several DEA 222 forms in the files of this pharmacy did not have all of the required documentation concerning date received, quantity received and/or initials of responsible individual.
 - c. IAC 657-8.12 – The pharmacy did not have policies and procedures for shipping and/or delivering medications.
 - d. IAC 657-22.16 – The pharmacy's policies and procedures for the technicians were generic and had not been personalized for this location. Two technicians worked in the compounding area and were primarily responsible for the compounding. One was a certified technician, but the training for the second technician had not been documented.
 - e. IAC 657-8.32 – The pharmacy provides an emergency container for a local hospice unit. The label on the exterior of the container lacked an expiration date of the supply contained inside the container based upon the earliest expiration date of any drug contained in the supply
 - f. IAC 657-20.11 and 12 - These regulations require that a pharmacist check each stage of a compounding process when the work is done by a technician, and to record the check of each stage. Records in this pharmacy contained the initials of the pharmacist only as to the final check.
 - g. IAC 657-8.30 – The pharmacy did not have a current copy of *American*

Hospital Formulary for use in sterile products preparation.

- h. IAC 657-8.30 – The pharmacy did not have policies and procedures for sterile products.

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



Katherine A. "KAP" Linder, Chairperson
Iowa Board of Pharmacy Examiners
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

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

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

Re:)	Case No. 2002-19149
Pharmacist License of)	
MICHAEL LAUBACH)	STIPULATION
License No. 19149)	AND
Respondent)	CONSENT ORDER
)	

COME NOW the Iowa Board of Pharmacy Examiners ("the Board") and Michael Laubach, R.Ph. ("Respondent") and, pursuant to Iowa Code §§ 17A.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 June 18, 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 May 18, 1999 by reciprocity as evidenced by Pharmacist License Number 19149, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacist License Number 19149, issued to and held by the Respondent is active and current until June 30, 2004.
3. The Respondent is currently employed as a pharmacist in the State of Texas. The

Respondent served as the pharmacist in charge at NuCara Pharmacy #3, 209 E. San Marnan, Waterloo, Iowa 50702 during all times relevant to this case.

4. A Statement of Charges was filed against the Respondent on June 18, 2002.
5. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.
6. This Stipulation and Consent Order is entered into in order to resolve disputed claims and constitutes no admission on the part of the Respondent.
7. Respondent agrees to accept a citation and warning for the alleged violation set forth in the Statement of Charges.
8. Within sixty (60) days of the date of approval of this Stipulation and Consent Order by the Board, the Respondent will provide his *typewritten* policies and procedures for the following:
 - A. Removing outdated drugs from the compounding area;
 - B. Controlled substance record keeping;
 - C. Shipping and delivering medications;
 - D. Training and supervising pharmacy technicians;
 - E. Providing emergency containers for hospice units;
 - F. Pharmacist verification and check of each stage of the compounding process when the work is done by a technician;
 - G. Recording pharmacist verification and check of each stage of the compounding process when the work is done by a technician;
 - H. Maintaining a current and up-to-date reference library;

I. Use and preparation of sterile products.

9. The typewritten policies and procedures referred to in paragraph 8, above, shall relate to Respondent's practice of pharmacy in his current work setting as the pharmacist in charge. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to these policies and procedures whenever engaging in the practice of pharmacy. In the event the Respondent becomes the pharmacist in charge at another pharmacy in the State of Iowa, the Respondent agrees to implement similar policies and procedures. Respondent further acknowledges and understands that the pharmacist in charge is responsible for ensuring that the pharmacy is operated in accordance with all relevant laws and the rules of the Board.
10. 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 opportunity for hearing, for failure to comply with an Order of the Board, in accordance with Iowa Code § 272C.3(2)(a)
11. The Respondent shall obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy.
12. 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.

13. 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.
14. 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.
15. The Board's approval of this Stipulation and Consent Order shall constitute a **FINAL ORDER** of the Board in a disciplinary action.

16. This Stipulation and Consent Order is voluntarily submitted by the Respondent to the Board for its consideration on the 31 day of August, 2002.

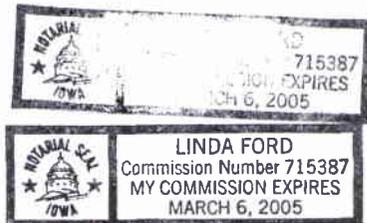


Michael Laubach, R.Ph.
Respondent

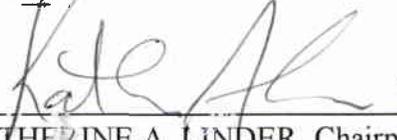
Subscribed and sworn to before me by Michael Laubach on this 31st day of August, 2002.



NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA



17. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 17 day of Oct., 2007.



KATHERINE A. LINDER, Chairperson
Iowa Board of Pharmacy Examiners
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Shauna Russell Shields
Assistant Attorney General
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