

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2011-1
Pharmacist License of)	
SUSAN C. LUTZ)	STATEMENT OF CHARGES
License No. 13504)	
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 147, 155A and 272C (2011).
3. On October 8, 1968, the Board issued Susan C. Lutz (hereinafter, "Respondent"), after examination, a license to engage in the practice of pharmacy as evidenced by license number 13504, 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, 2013.
5. Respondent's current address is 1731 N.E.88th Street, Altoona, Iowa 50009.
6. Respondent was, at all times material to this statement of charges, employed as the pharmacist in charge at Lutz Long Term Care located at 120 Eighth Street SE, Altoona, Iowa 50009.

A. CHARGES

COUNT I – LACK OF PROFESSIONAL COMPETENCY

Respondent is charged under Iowa Code § 155A.12(1) (2011) and 657 Iowa Administrative Code § 36.1(4)(b) with lack of professional competency as demonstrated by Respondent's (a) substantial deviation from the standards of learning and skill ordinarily possessed and applied by other Iowa pharmacists, (b) failure to exercise in a substantial respect that degree of care which is ordinarily exercised by an Iowa pharmacist and (c) 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 Respondent's failure to maintain adequate controls over controlled substances.

COUNT II – FAILURE TO MAINTAIN ADEQUATE CONTROLS

Respondent is charged under Iowa Code §§ 124.306, 124.402(1), 155A.12(1) and 155A.12(5) (2011), and 657 Iowa Administrative Code § 6.7, with failing to maintain adequate control over and accountability for drugs, including controlled substances.

B. CIRCUMSTANCES

On or about January 3, 2011, an investigation was commenced which revealed the following:

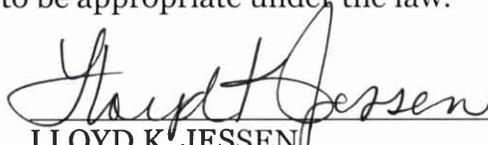
1. Respondent was, at all material times, employed as the pharmacist in charge at Lutz Long Term Care pharmacy located at 120 8th Street Southeast, Altoona, Iowa 50009.
2. Another pharmacist employed by Lutz Long Term Care pharmacy was arrested by police on January 3, 2011. During a related search of her vehicle, over 100 tablets were found loose in the pharmacist's purse. The recovered drugs and their quantities were as follows:

Hydrocodone/APAP 7.5/500mg	68
Hydrocodone/APAP 10/325mg	4
Hydrocodone/APAP 10/500mg	21
Lorazepam 2mg	5
Diazepam 10mg	13
Zolpidem 10mg	2

3. All of the drugs in the pharmacist's possession at the time of her arrest were of the same generic brand that Lutz Long Term Care pharmacy has in its dispensing stock.
4. On the following day, January 4, 2011, the same pharmacist-employee entered Lutz Long Term Care pharmacy sometime after the pharmacy closed and left her key to the door, along with a note. After it was discovered that the pharmacist had made an after-hours entry into Lutz Long Term Care pharmacy, a pharmacy audit was performed. The audit covered the same six drugs Respondent had in her possession when she was arrested on January 3, 2011. The audit revealed the following inventory shortages:

Hydrocodone/APAP 7.5/500mg	-2093
Hydrocodone/APAP 10/325mg	-878
Hydrocodone/APAP 10/500mg	-1438
Zolpidem 10mg	-788

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 13th day of Sept. 2011, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.


SUSAN FREY, 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

Lutz (Susan)-SOC 9-11

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2011-1
Pharmacist License of)	
SUSAN C. LUTZ)	STIPULATED
License No. 13504)	CITATION
Respondent)	AND WARNING

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011), and 657 I.A.C. § 36.1(2) (j), the Iowa Board of Pharmacy (hereinafter, “the Board”) and Susan C. Lutz (hereinafter, “Respondent”), enter into the following Stipulated Citation and Warning, settling a licensee disciplinary proceeding currently pending before the Board.

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 October 8, 1968, after examination, as evidenced by Pharmacist License Number 13504 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. A Statement of Charges was filed against Respondent on September 13, 2011.
4. Respondent was, at all times material to the Statement of Charges, employed as the pharmacist in charge at Lutz Long Term Care, 120 Eighth Street SE, Altoona, Iowa 50009.
5. The Board has jurisdiction over the Respondent and jurisdiction over the

subject matter of these proceedings.

6. For the purposes of this Stipulated Citation and Warning, Respondent does not contest the allegations set forth in the Statement of Charges.

Respondent accepts, pursuant to 657 I.A.C. § 36.1(2)(j), this citation and warning for failure maintain adequate controls over controlled substances.

7. Within thirty (30) days of the Board's approval of this Stipulated Citation and Warning, Respondent shall submit, for the Board's approval, policies and procedures relating to security and accountability for controlled substances. Respondent agrees to adopt, implement, and adhere to these policies and procedures whenever employed as a pharmacist in charge and whenever engaging in the practice of pharmacy in a pharmacy which has no conflicting policies and procedures.

8. Should the Respondent violate or fail to comply with any of the terms or conditions of this Stipulated Citation and Warning, the Board may initiate action to revoke or suspend Respondent's Iowa pharmacist license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2011), and 657 IAC § 36.

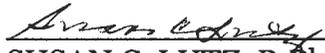
9. This Stipulated Citation and Warning is the resolution of a contested case. By entering into this Stipulated Citation and Warning, Respondent waives all rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to this Stipulated Citation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

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

11. This proposed settlement is subject to approval by a majority of the full Board. If the Board fails to approve this Stipulated Citation and Warning, 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.

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

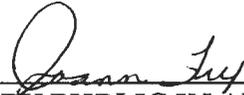
This Stipulated Citation and Warning is voluntarily submitted by Respondent to the Board for its consideration on the 5th day of March 2012.



SUSAN C. LUTZ, R.Ph.
Respondent

Subscribed and sworn to before me by Susan C. Lutz on this 5th day of March 2012.





NOTARY PUBLIC IN AND FOR
THE STATE OF IOWA

This Stipulated Citation and Warning is accepted by the Iowa Board of Pharmacy on this 7th day of March 2012.



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

cc: Scott M. Galenbeck
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319