

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

Re:)	Case No. 2001-19011
Pharmacist License of)	
CAROLYN L. MARCALUS)	STATEMENT OF CHARGES
License No. 19011)	
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 10, 1998, the Board issued Respondent, Carolyn L. Marcalus, a license to engage in the practice of pharmacy by examination as evidenced by license number 19011, subject to the laws of the State of Iowa and the rules of the Board.
4. License number 19011 is current and active until June 30, 2002.
5. Respondent's current address is 419 Opal Circle, Ames, Iowa 50010.
6. Respondent is currently employed as a pharmacist at Family Pharmacy in Dayton, Iowa and has been employed as such during all times relevant to this statement of charges.

COUNT I

The Respondent is charged under Iowa Code § 155A.12(1) (2001) and 657 Iowa Administrative Code §§ 8.20, 36.1(4)(b)(4), (i), (u), and (w) with failing to provide patient counseling.

COUNT II

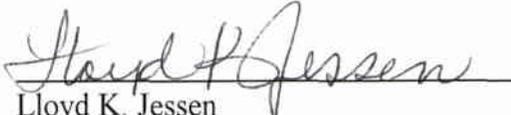
The Respondent is charged under Iowa Code § 155A.12(1) (2001) and 657 Iowa Administrative Code §§ 6.6(3), 22.19 and 36.1(4)(u) with permitting dispensing or distributing

prescription medications to patients or others during the temporary absence of the pharmacist.

THE CIRCUMSTANCES

1. During an investigation of the pharmacy operations at the pharmacy where the Respondent works as a pharmacist, a Board investigator discovered the following information:
 - (a) The Respondent permits technicians and other employees of the pharmacy where the Respondent works as a pharmacist to regularly sell prescriptions to patients or others when there is not a pharmacist present in the pharmacy.
 - (b) Patients do not receive counseling from a pharmacist on new prescriptions as required by the Board's rules when they pick up prescriptions in the pharmacist's absence.

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 10 day of October, 2001, 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

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. 2001-19011
Pharmacist License of)	
CAROLYN L. MARCALUS)	STIPULATION
License No. 19011)	AND
Respondent)	CONSENT ORDER
)	

COME NOW the Iowa Board of Pharmacy Examiners (“the Board”) and Carolyn L. Marcalus, 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 October 10, 2001, 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 10, 1998, by examination as evidenced by Pharmacist License Number 19011, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacist License Number 19011, issued to and held by the Respondent is active and current until June 30, 2004.
3. The Respondent is currently employed as a pharmacist at Family Pharmacy in

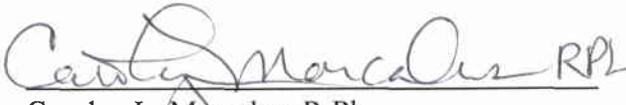
Dayton, Iowa and has been employed as such during all times relevant to this case.

4. A Statement of Charges was filed against the Respondent on October 10, 2001.
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. The Respondent shall pay a civil penalty of \$200.00 within 30 days of the date of approval of this Stipulation and Consent Order by the Board. The Respondent shall deliver a check made payable to the Treasurer of the State of Iowa to the Executive Secretary/Director of the Board. The check shall be deposited into the general fund of the State of Iowa.
8. Respondent agrees to accept a citation and warning for the alleged violation set forth in the Statement of Charges.
9. Within sixty (60) days of the date of approval of this Stipulation and Consent Order by the Board, the Respondent will provide her *typewritten* policies and procedures for the following: (a) ensuring proper pharmacy security, (b) ensuring the proper handling of the temporary absence of the pharmacist in the Respondent's absence, (c) ensuring the proper utilization of registered pharmacy technicians, (d) patient counseling, and (e) prospective drug use review. The typewritten policies and procedures shall relate to the Respondent's practice of pharmacy in her current work setting. 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.

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. 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.
12. 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.
13. The Board's approval of this Stipulation and Consent Order shall constitute a **FINAL ORDER** of the Board in a disciplinary action.

14. This Stipulation and Consent Order is voluntarily submitted by the Respondent to the Board for its consideration on the 19 day of September, 2002.


Carolyn L. Marcalus, R.Ph.
Respondent

Subscribed and sworn to before me by Carolyn L. Marcalus on this 19th day of September, 2002.



Diane M. Peeler
NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

15. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 17 day of Oct, 2002.
4 December

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

APPROVED AS TO FORM:

Thomas G. Crabb
Thomas G. Crabb – Attorney for Respondent

Shauna Russell Shields
Shauna Russell Shields – Attorney for State

cc: Thomas G. Crabb
505 5th Avenue
Suite 630
Des Moines, Iowa 50309

ATTORNEY FOR RESPONDENT

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ATTORNEY FOR STATE