

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

Re:)	Case No. 2002-15172
Pharmacist License of)	
ALEX M. MARCOVICH)	
License No. 15172)	STATEMENT OF CHARGES
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 January 26, 1978, the Board issued the Respondent, Alex M. Marcovich, a license to engage in the practice of pharmacy by reciprocity as evidenced by license number 15172, subject to the laws of the State of Iowa and the rules of the Board.
4. License number 15172 is current and active until June 30, 2003.
5. The Respondent's current address is #4 Rose Lane, Sioux City, Iowa 51106.
6. Upon information and belief the Respondent is currently employed as a pharmacist at Greenville Pharmacy, Inc., 2701 Correctionville, Sioux City, Iowa 51105, 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 (2001), and 657 Iowa Administrative Code §§ 10.11 & 36.1(4)(j), with violating a statute or law of this state, another state, or the United States which relates to the practice of pharmacy or the distribution of controlled substances, prescription drugs, or non-prescription drugs.

COUNT II

The Respondent is charged under Iowa Code § 155A.12 (2001) and 657 Iowa Administrative Code §§ 36.1(4)(b)(3) & 36.1(4)(b)(4) with failing to exercise the degree of care which is exercised by the average pharmacist in the State of Iowa under the same or similar standard and repeated or willful departure from, or failure to conform to, the minimal standard or acceptable and prevailing practice of pharmacy.

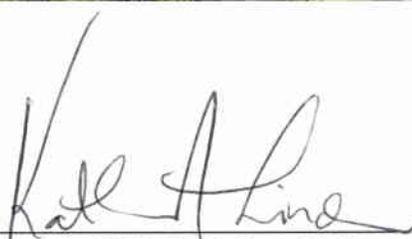
THE CIRCUMSTANCES

1. On or about November 28, 2001, the Iowa Board of Pharmacy Examiners received a complaint that the pharmacy where the Respondent works as a pharmacist had dispensed a prescription for a controlled substance in a manner that was contrary the prescriber's specific instructions.
2. The Board's investigator reviewed the records of all of the controlled substances dispensed between September 13, 2001 and January 2, 2002 by the pharmacy where the Respondent works. In some of the prescriptions reviewed, the prescriber had clearly indicated on the face of the prescription drug order that the prescription was not to be dispensed before certain date. This date will be referred to as the "do not dispense before" date. The Respondent dispensed controlled substances before the "do not dispense before" date four times during the less than four month time period that was subject to the investigator's review.
3. The Board investigator also discovered that the Respondent had dispensed two prescriptions for controlled substances when the prescription drug order did not contain the date the prescription was issued or written or contained a date more than fifteen years old. There was no evidence that the Respondent verified these prescriptions with the prescribers before dispensing them.

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. 2002-15172
Pharmacist License of)	
ALEX M. MARCOVICH)	STIPULATION
License No. 15172)	AND
Respondent)	CONSENT ORDER
)	

COME NOW the Iowa Board of Pharmacy Examiners ("the Board") and Alex M. Marcovich, 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 January 26, 1978, by reciprocity as evidenced by Pharmacist License Number 15172, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacist License Number 15172, issued to and held by the Respondent is active and current until June 30, 2003.
3. The Respondent is currently employed as a pharmacist at Greenville Pharmacy,

Inc., 2701 Correctonville, Sioux City, Iowa 51105, and has been employed as such 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. The Respondent's license shall be placed on probation for three (3) years, with the following conditions, beginning on the date this Stipulation and Consent Order is accepted by the Board:
 - a. Within sixty (60) days of the date of approval of this Stipulation and Consent Order by the Board, the Respondent will develop and submit to the Board, for its approval, typewritten policies and procedures for (1) conducting prospective drug utilization review in the practice of pharmacy and (2) complying with federal DEA requirements for the dispensing of controlled substances in the practice of pharmacy. Each policy and procedure shall include a typewritten protocol that describes the procedure for the Respondent to follow when dispensing prescription medication upon receipt of a new prescription drug order or a refill request. The policy and procedure for conducting drug utilization review shall include all the requirements contained in 657 Iowa Administrative Code § 8.19 and shall provide for a process whereby patients' medication records are

reviewed and assessed by the Respondent for the purpose of determining therapeutic appropriateness before the Respondent dispenses any prescription medication. The typewritten policies and procedures shall relate to Respondent's practice of pharmacy in his 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.

- b. Within six (6) months of the date of approval of this Stipulation and Consent Order by the Board, the Respondent shall complete an additional six (6) hours of continuing pharmacy education (CPE) or other formal, structured education in prospective drug utilization review and an additional six (6) hours of continuing pharmacy education (CPE) or other formal, structured education in DEA requirements for dispensing controlled substances. The education shall be pre-approved by the Board. Documentation of satisfactory completion of the education shall be submitted to the Board. This education is in addition to the thirty (30) hours of continuing pharmacy education required every two years for license renewal.
- c. The Respondent shall not dispense any prescription medication without a valid prescription drug order from an authorized prescriber. When a prescriber has provided specific refill instructions, the Respondent shall consult with the prescriber to verify the refill instructions before dispensing

the refill to any patient who requests an early refill or requests a refill before a certain date that has been specified by the prescriber in the prescription order as a "do not dispense before" date.

- d. During probation, Respondent shall inform the Board in writing within ten (10) days of any change of home address, place of employment, home telephone number, or work telephone number.
 - e. During probation, Respondent shall report to the Board or its designee quarterly. Said report shall be in writing. The report shall include the Respondent's place of employment, current address, and any further information deemed necessary by the Board from time to time.
8. The Respondent shall obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy.
 9. The Respondent shall notify all present employers and prospective employers (no later than at the time of an interview), including the pharmacist-in-charge, of the resolution of this case and the terms, conditions, and restrictions imposed on the Respondent by this document. Within thirty (30) days after approval of this Stipulation and Consent Order by the Board, and within fifteen (15) days of undertaking new employment as a pharmacist, the Respondent shall cause his pharmacy employer and the pharmacist-in-charge that he 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.
 10. 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.

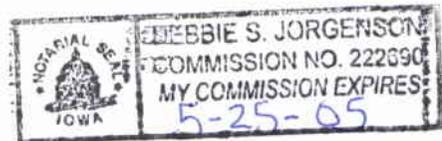
11. This Stipulation and Consent Order is the resolution of a contested case. By entering into this Stipulation and Consent Order, the Respondent waives all rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to this Stipulation and Consent 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 24 day of July, 2002.

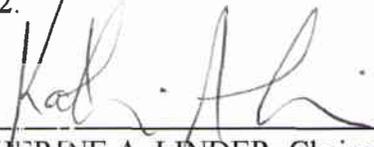
Alex M. Marcovich
Alex M. Marcovich, R.Ph.
Respondent

Subscribed and sworn to before me by Alex M. Marcovich on this 24th day of July, 2002.

Debbie S. Jorgenson
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 6th day of Aug., 2002.



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
Office of the Attorney General
Hoover State Office Building
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att Debra & Lloyd