

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

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Re: )  
Pharmacy License of )  
**MARCUS PHARMACY** ) **STATEMENT OF CHARGES**  
License No. 414 )  
Respondent )

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**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 (1997).
3. On December 30, 1997, Marcus Pharmacy, the Respondent, was issued a renewal of general pharmacy license number 414 by the Board to engage in the operation of pharmacy, subject to the laws of the State of Iowa and the rules of the Board.
4. General pharmacy license number 414 is current until December 31, 1998.
5. Respondent currently operates a general pharmacy at 406 Main Street, Marcus, Iowa 51035.
6. Clair W. Mulder has been the pharmacist in charge of Marcus Pharmacy during all times relevant to this statement of charges.

**COUNT I**

The Respondent is charged with failing to comply with the minimum standards for the practice of pharmacy in Iowa in violation of 1997 Iowa Code § 155A.15(2)(c).

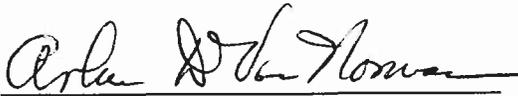
## THE CIRCUMSTANCES

On June 24, 1998, Board Investigator E. Ray Shelden conducted a routine inspection of Marcus Pharmacy. The results of the inspection indicate that Respondent has failed to comply with the minimum standards for the practice of pharmacy, the requirements for general pharmacies, and controlled substance requirements. Investigator Shelden's report also indicates that the pharmacist in charge, Clair W. Mulder, has made medication dispensing errors.

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 14th day of July, 1998, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.

  
Arlan D. Van Norman, Chairperson  
Iowa Board of Pharmacy Examiners  
1209 East Court Avenue  
Des Moines, Iowa 50319

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

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

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Re:	}	
Pharmacy License of	}	
<b>MARCUS PHARMACY</b>	}	<b>STIPULATION</b>
License No. 414	}	<b>AND</b>
Respondent	}	<b>CONSENT ORDER</b>
	}	

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On this 24th day of November, 1998, the Iowa Board of Pharmacy Examiners and Marcus Pharmacy of Marcus, Iowa, each hereby agree with the other and stipulate as follows:

The licensee disciplinary hearing pending before the Iowa Board of Pharmacy Examiners, on the allegations specified in the Statement of Charges filed against Respondent on July 14, 1998, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That Respondent's license to operate a pharmacy was issued on the 30th day of December, 1997, as evidenced by General Pharmacy License Number 414, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That General Pharmacy License Number 414 issued to and currently held by Respondent is current and in full force until December 31, 1998.
3. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.
4. A Statement of Charges was filed against Respondent on July 14, 1998.
5. This Stipulation and Consent Order is entered into in order to resolve a disputed claim and constitutes no admission on the part of Respondent.

6. Respondent shall renew general pharmacy license number 414 on or before December 31, 1998. Respondent shall then surrender general pharmacy license number 414 on or before March 31, 1999. In the event that Marcus Pharmacy is closed rather than sold, Respondent shall comply with the Board's written procedures for closing a pharmacy.

7. Until such time as Respondent surrenders general pharmacy license number 414, the license shall be placed on probation with the following conditions, beginning on the date this Stipulation and Consent Order is accepted by the Board:

a. Respondent shall report to the board or its designee monthly. Said report shall be in writing and shall be filed no later than January 5, 1999; February 5, 1999; and March 5, 1999. The report shall include Respondent's progress in liquidating, selling and/or closing Marcus Pharmacy on or before March 31, 1999.

b. Respondent shall report to the Board any judgment or settlement of a malpractice claim or action and any dispensing errors brought to its attention by consumers, health care professionals, or others within ten (10) days of such occurrence.

c. The Respondent shall obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy and the receipt, distribution, and handling of controlled substances.

8. Respondent shall submit to random unannounced visits or inspections by the Board or agents of the Board to verify compliance with this Stipulation and Consent Order.

9. 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 section 272C.3(2)(a).

