

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

Re:)	Case No. 2006-35
Pharmacist License of)	
SUSAN M. MEARS)	STATEMENT OF CHARGES
License No. 18416)	
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 (2005).
3. Respondent was originally licensed as a pharmacist in Iowa by examination on July 25, 1995, and was issued pharmacist license number 18416. Respondent's license has been renewed until June 30, 2007. Respondent's license is current and active and in good standing.
4. Respondent is currently employed as the pharmacist in charge of Hy-Vee Care Pharmacy at 3998 Northwest Urbandale Drive, Urbandale, Iowa 50322.

A. CHARGE

COUNT I – LACK OF PROFESSIONAL COMPETENCY

Respondent is charged under Iowa Code § 155A.12(1) (2005) and 657 Iowa Administrative Code 36.1(4)(b)(3) with a lack of professional competency as demonstrated by a failure of a pharmacist to exercise in a substantial respect that degree of care which is ordinarily exercised by the average pharmacist in the state of Iowa acting under the same or similar circumstances.

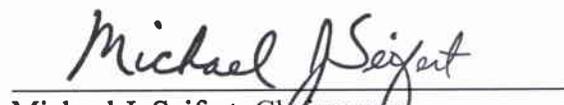
B. CIRCUMSTANCES

Circumstances supporting the above charges are set forth in Attachment A.

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 23rd day of May 2006, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.


Michael J. Seifert, Chairperson
Iowa Board of Pharmacy Examiners
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

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

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

Re:)	Case No. 2006-35
Pharmacist License of)	
SUSAN M. MEARS,)	STIPULATION
License No. 18416,)	AND
Respondent.)	CONSENT ORDER
)	

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2003), the Iowa Board of Pharmacy Examiners (hereinafter, "Board") and Susan M. Mears, R.Ph. (hereinafter, "Respondent"), enter into this Stipulation and Consent Order settling a pending contested case. The pending contested case is a licensee disciplinary proceeding before the Iowa Board of Pharmacy Examiners based on allegations specified in a Statement of Charges filed May 23, 2006. The Board and Respondent, who hereby agree that the contested case shall be resolved without proceeding to hearing, stipulate to the following:

1. Respondent was issued a license to practice pharmacy in Iowa on July 25, 1995, by examination, as evidenced by Pharmacist License Number 18416, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. Iowa Pharmacist License Number 18416, issued to and held by Respondent is active and current until June 30, 2007.
3. Respondent is currently employed as pharmacist in charge of Hy-Vee Care Pharmacy, 3998 Northwest Urbandale Drive, Urbandale, Iowa 50322.
4. A Statement of Charges was filed against Respondent on May 23, 2006.
5. The Board has jurisdiction over Respondent and the subject matter herein.

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IOWA PHARMACY EXAMINERS

6. Respondent denies the allegations set forth in the Statement of Charges but enters into this Agreement voluntarily in order to resolve the Statement of Charges without the necessity of a hearing.
7. Upon the date of the Board's approval of this Stipulation and Consent Order, Respondent's license to practice pharmacy shall be placed on probation for a period of two years, under the following terms and conditions:
 - a. Respondent shall file written, sworn quarterly reports with the Board attesting to her compliance with all the terms and conditions of this Stipulation and Consent Order. The reports shall be filed not later than March 5, June 5, September 5 and December 5 of each year of Respondent's probation. The quarterly reports shall include Respondent's place of employment, current home address, home telephone number or work telephone number, and any further information deemed necessary by the Board from time to time.
 - b. Respondent shall make personal appearances before the Board or a Board committee upon request. The Board shall give Respondent reasonable notice of the date, time, and location for such appearances.
 - c. Respondent shall obey all federal and state laws and regulations related to the practice of pharmacy.
 - d. Respondent shall provide evidence of efforts to maintain skill and knowledge as a pharmacist through continuing education (CE) as directed by the Board.

- e. Respondent shall inform the Board in writing within ten (10) days of any change of home address, employer, home telephone number or work telephone number.
- 8. Within 30 days of the date that this Stipulation and Consent Order is approved by the Board, Respondent shall submit to the Board, for its review and approval, written policies and procedures which address the following areas of Respondent's practice of pharmacy: (a) prevention of medication errors and (b) continuous quality improvement.
- 9. Within 90 days of the date that this Stipulation and Consent Order is approved by the Board, Respondent shall complete at least twelve (12) hours of continuing pharmacy education in medication error prevention techniques and at least two (2) hours in continuous quality improvement (CQI).
- 10. The Board and Respondent agree that the above-described two (2) year probationary period may be modified by the Board, upon Respondent's request, after presentation of evidence of Respondent's ongoing compliance with all regulations and statutes relating to the practice of pharmacy. In no event, however, shall Respondent's probationary period be less than one year.
- 11. Respondent shall notify all current and prospective employers of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this Stipulation and Consent Order. The notification requirement contained in this paragraph shall only apply where Respondent's pharmacist license is or will be

utilized in the course of her employment while on probation. Within fifteen (15) days of undertaking new employment as a pharmacist, Respondent shall cause her employer to report to the Board in writing, acknowledging that the employer has read this Stipulation and Consent Order and understands it.

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 further suspend the Respondent's Iowa pharmacist license, or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2003), and 657 IAC 36.
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.

This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 16th day of August 2006.

Susan Mears RPh
SUSAN M. MEARS, R.Ph.
Respondent

Subscribed and sworn to before me by SUSAN M. MEARS on this 16th day of August 2006.

Aaron Wiese



NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 13 day of September 2006.

Michael Seifert
MICHAEL J. SEIFERT, Chairperson
Iowa Board of Pharmacy Examiners
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck
Assistant Attorney General

Thomas Crabb
Attorney for Respondent

BEFORE THE BOARD OF PHARMACY STATE OF IOWA

**IN THE MATTER OF THE STIPULATION AND CONSENT ORDER AGAINST
SUSAN M. MEARS, R.Ph., RESPONDENT**

2006-35

TERMINATION ORDER

DATE: September 13, 2007

1. On September 13, 2006, a Stipulation and Consent Order was issued by the Iowa Board of Pharmacy placing the license to practice pharmacy, number 18416 issued to Susan M. Mears on July 25, 1995, on probation for a period of two years under certain terms and conditions.

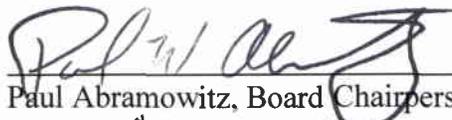
2. Respondent requested early termination of probation.

3. The Board directed that the probation placed upon the Respondent's license to practice pharmacy should be terminated.

IT IS HEREBY ORDERED:

That the probation placed upon the Respondent's license to practice pharmacy is terminated, and the license is returned to its full privileges free and clear of all restrictions.

IOWA BOARD OF PHARAMCY



Paul Abramowitz, Board Chairperson
400 SW 8th Street, Suite E
Des Moines, Iowa 50309-4688