

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

Re:)	Case No. 2003-14
Pharmacy License of)	
MED-EQUIP PHARMACY #0,)	STATEMENT OF CHARGES
License No. 648,)	
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 (2003).
3. On November 21, 2003, the Board renewed Respondent's general pharmacy license number 648 with Walter J. Tschopp as pharmacist in charge, allowing Respondent 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 648 is current until December 31, 2004.
5. Respondent is currently operating a general pharmacy at 141 South Central, Hartley, Iowa 51346, known as Hartley Pharmacy.

A. CHARGES

COUNT I -- FAILURE TO MAINTAIN CONTROL OVER DRUGS

Respondent is charged with failing to maintain accurate control over and accountability for drugs, including controlled substances, in violation of Iowa Code §§ 124.308(3), 124.402(1)(a), 155A.15(2)(c) and (i) (2003), and 657 Iowa Administrative Code §§ 6.7 and 36.1(4)(u).

B. CIRCUMSTANCES

On or about April 11, 2003, an investigation was commenced, revealing the following:

1. Pharmacist-in-charge Walter Tschopp reported shortages of Adderall at the Hartley Pharmacy, beginning in November 2002. The missing tablets totaled about 480, of several strengths.

2. Beginning in December 2002, the Hartley Pharmacy inventory of schedule II controlled substances was stored in a separate, locked cabinet. Since the enhanced security measures were adopted in December 2002, no additional losses of Adderall have been noted.
3. An investigation by law enforcement authorities indicated that the theft was attributable to a member of Tschopp's family.

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 16 day of March 2004, 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. Linder, 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, Iowa 50319

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

Re:)	Case No. 2003-14
Pharmacy License of)	
MED-EQUIP PHARMACY #0)	STIPULATION
License No. 648)	AND
Respondent)	CONSENT ORDER

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2003), The Iowa Board of Pharmacy Examiners (hereinafter, "the Board") and Med-Equip Pharmacy #0 (hereinafter, "Respondent") have agreed to settle a contested case currently on file with the Iowa Board of Pharmacy Examiners. The Statement of Charges filed against Respondent on March 16, 2004, and the licensee disciplinary proceeding shall be resolved without a hearing, as the Board and Respondent stipulate as follows:

1. Respondent's license to operate a pharmacy was renewed November 21, 2003 as evidenced by Pharmacy License Number 648, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. General Pharmacy License Number 648 issued to and currently held by Respondent is current and in force until December 31, 2004.
3. 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 March 16, 2004.
5. Respondent denies the allegations set forth in the Statement of Charges, but enters into this Stipulation and Consent Order voluntarily in order to resolve the Statement of

Charges without the necessity of a hearing.

6. Respondent's license shall be placed on probation for three (3) years, upon the following conditions:

a. Within sixty (60) days of the date of approval of this Stipulation and Consent Order by the Board, Respondent will provide to the Board typewritten policies and procedures of Respondent regarding (1) record keeping and general accountability for controlled substances and (2) maintaining effective security, controls and procedures to guard against theft, disappearance and diversion of prescription drugs and controlled substances. Following their review and approval by the Board, Respondent agrees to adopt, implement and adhere to these policies and procedures whenever operating as a pharmacy.

b. During probation, Respondent shall file sworn quarterly reports with the Board attesting to its compliance with the terms and conditions of this Stipulation and Consent Order. The reports shall be filed not later than December 5, March 5, June 5 and September 5 of each calendar year. Respondent's quarterly reports shall identify the current pharmacist in charge, all staff pharmacists and any further information deemed necessary by the Board from time to time.

c. Respondent's prescription department shall maintain perpetual inventories of all Schedule-2 controlled substances, with quarterly reporting to the Board. Any time a discrepancy with Schedule-2 controlled substances is detected, Respondent shall notify the Board immediately and shall take appropriate steps to discover the cause of the discrepancy and take corrective action. Only a licensed pharmacist shall

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have a key to the controlled substance storage area and only a licensed pharmacist shall prepare and file Respondent's quarterly reports with the Board.

d. Respondent shall obey all federal and state laws, rules, and regulations substantially related to the operation of pharmacy, including but not limited to prohibitions on improper delivery of prescription drugs.

8. The Board and Respondent agree that the above-described three (3) 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.

9. Should 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 Respondent's Iowa license to operate a pharmacy or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2003) and 657 Iowa Administrative Code chapter 36.

10. This Stipulation and Consent Order is the resolution of a contested case. By entering into this Stipulation and Consent Order, 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.

11. 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.

12. 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 Med-Equip Pharmacy #0 to the Iowa Board of Pharmacy Examiners for its consideration on this 2nd day of Sept 2004.



MED-EQUIP PHARMACY #0
By Walter J. Tschopp, R.Ph.
Pharmacist in Charge,
Respondent

Subscribed and sworn to before me by Walter J. Tschopp, who has stated to me that he is the pharmacist in charge of Med-Equip Pharmacy #0 and that he is authorized to sign this Stipulation and Consent Order on behalf of Med-Equip Pharmacy #0 on this 2nd day of Sept 2004.





NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on this 7 day of October 2004.



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
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

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BEFORE THE BOARD OF PHARMACY EXAMINERS STATE OF IOWA

**IN THE MATTER OF THE STIPULATION AND CONSENT ORDER AGAINST
MED-EQUIP PHARMACY, RESPONDENT**

2003-14

TERMINATION ORDER

DATE: July 17, 2006

1. On October 7, 2004, a Stipulation and Consent Order was issued by the Iowa Board of Pharmacy Examiners placing the license to operate a pharmacy, number 648 issued to Med-Equip Pharmacy #0 on probation for a period of three years under certain terms and conditions.

2. Respondent has requested early release from the 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 EXAMINERS



Michael J. Seifert, Board Chairperson
400 SW 8th Street, Suite E
Des Moines, Iowa 50309-4688