

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

Re:)	Case No. 2002-331
Pharmacy License of)	
MEDICAP PHARMACY (SPENCER))	STATEMENT OF CHARGES
License No. 331)	
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. Effective January 1, 2002, the Board renewed Respondent general pharmacy license number 331 with David J. Easton 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 331 is current until December 31, 2002.
5. Respondent is currently operating a general pharmacy at 829 Grand Avenue North, Spencer, Iowa with David J. Easton as the pharmacist in charge.

COUNT I

The Respondent is charged under Iowa Code § 155A.15(2) (2001) and 657 Iowa Administrative Code § 6.5(3) with failing to have a sink with hot running water in the prescription department.

COUNT II

The Respondent is charged under Iowa Code § 155A.15(2) (2001) and 657 Iowa Administrative Code § 22.16 with failing to have policies and procedures for the training and utilization of pharmacy technicians in place.

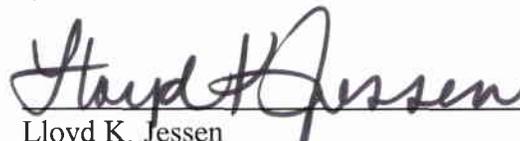
COUNT III

The Respondent is charged under Iowa Code § 155A.15(2) (2001) and 657 Iowa Administrative Code § 10.13(6) with violating the rules governing partial filling of schedule II controlled substances.

THE CIRCUMSTANCES

1. On or about September 19, 2001, the Board received a complaint about the Respondent's handling of a prescription for a schedule II controlled substance.
2. During the Board's investigation of the complaint described in paragraph 1, the Board investigator discovered that the Respondent's pharmacy did not contain hot running water.
3. Upon review of previous inspection report, the Board investigator discovered that the lack of hot running water had been noted on another inspection report approximately 2 years earlier, but had not been rectified.
4. During the Board's investigation of the complaint described in paragraph 1, the Board investigator discovered that the Respondent's pharmacy did not have policies and procedures for the training and utilization of pharmacy technicians in place.
5. The inspection report from approximately two years earlier also noted the lack of policies and procedures for technicians.
6. During the Board's investigation of the complaint described in paragraph 1, it was apparent to the Board's investigator that the Respondent's pharmacy was not properly handling partial fills of schedule II controlled substances.
7. The inspection report from approximately two years ago had also noted the handling of schedule II controlled substances as an area needing correcting.

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 4th day of March 2000, 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

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. 2002-331
Pharmacy License of)	
MEDICAP PHARMACY (SPENCER))	STIPULATION
License No. 331)	AND
Respondent)	CONSENT ORDER

COME NOW the Iowa Board of Pharmacy Examiners ("the Board") and Medicap Pharmacy (Spencer) ("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.

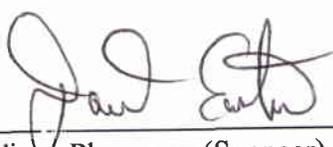
The licensee disciplinary hearing pending before the Iowa Board of Pharmacy Examiners, on the allegations specified in the Statement of Charges filed against Respondent on March 4, 2002, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That the Respondent's license to operate a pharmacy was renewed effective January 1, 2002 as evidenced by Pharmacist License Number 331, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That General Pharmacy License Number 331 issued to and currently held by Respondent is current and in force until December 31, 2002.
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 March 4, 2002.
5. This Stipulation and Consent Order is entered into in order to resolve disputed claims and constitutes no admission on the part of the Respondent.
6. Respondent agrees to accept a citation and warning for the alleged violations set forth in the Statement of Charges.
7. Respondent shall ensure that the pharmacy (prescription department) at the Respondent's pharmacy has a sink with hot and cold running water as required by 657 Iowa Administrative Code § 6.5(3). Respondent shall monitor its compliance with this requirement with monthly checks for one year from the date the Board accepts this Stipulation and Consent Order. Respondent shall record the monthly checks and make such records available to the Board or agents of the Board upon request.
8. Within sixty (60) days of the date of approval of this Stipulation and Consent Order by the Board, the Respondent will provide its *typewritten* policies and procedures for (a) dispensing controlled substances, (b) controlled substances record keeping, and (c) training and utilization of pharmacy technicians. The typewritten policies and procedures shall relate to Respondent's operation of its pharmacy. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to these policies and procedures whenever operating a pharmacy.
9. The Respondent shall obey all federal and state laws, rules, and regulations substantially related to the operation of pharmacy.

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 license to operate a pharmacy or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A and 657 Iowa Administrative Code § 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 Respondent to the Board for its consideration on the 12 day of July, 2002.



Medical Pharmacy (Spencer)
[name of pharmacist in charge], R.Ph.
Pharmacist in charge,
Respondent

Subscribed and sworn to before me by [name of pharmacist in charge], who has stated to me that he/she is the pharmacist in charge of Medicap Pharmacy (Spencer) and that he/she is authorized to sign this Stipulation and Consent Order on behalf of said Medicap Pharmacy (Spencer) on this 12th day of July, 2002



Julie Ann Schultze
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 August, 2002.

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

cc: Shawna Russell Shields
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319