

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

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Re: )  
Pharmacist License of )  
**JOAN M. MOAD** ) **STATEMENT OF CHARGES**  
License No. 17364 )  
Respondent )

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**COMES NOW**, the Complainant, Lindy A. Pearson, and states:

1. She is the Chief Investigator for the Iowa Board of Pharmacy Examiners and files this Statement of Charges solely in her official capacity.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 155A and 272C (1995).
3. On February 20, 1990, Joan M. Moad, the Respondent, was issued license number 17364 by the Board to engage in the practice of pharmacy, subject to the laws of the State of Iowa and the rules of the Board.
4. License number 17364 is current and active until June 30, 1997.
5. Respondent's current mailing address is 416 South Main, Allison, Iowa 50602.
6. During all times relevant to this Statement of Charges, Respondent was self-employed as the owner and pharmacist in charge of the Clarksville Pharmacy, 111 South Main Street, Clarksville, Iowa 50619.

**COUNT I**

The Respondent is charged under Iowa Code §§ 155A.12(1), 155A.12(4), and 155A.12(5) (1995) and 657 Iowa Administrative Code §§ 6.6 and 10.10 with failing to provide and maintain effective security, controls, and procedures to guard against the theft and diversion of prescription drugs and controlled substances.

## COUNT II

The Respondent is charged under Iowa Code §§ 124.306, 124.308(3), 124.402(1)(a), 124.403(1)(c), 155A.12(1), 155A.12(4), and 155A.12(5) (1995) and 657 Iowa Administrative Code § 6.8 with failing to provide accountability for controlled substances and with failing to maintain controlled substance records.

## COUNT III

The Respondent is charged under Iowa Code §§ 155A.12(1), 155A.12(4), and 155A.12(5) and 657 Iowa Administrative Code § 10.13(8) with refilling prescriptions for controlled substances listed in Schedule III, IV or V more than six months after the date on which the prescriptions were issued; more than five times; and/or without prescriber authorization or proper documentation of such.

## THE CIRCUMSTANCES

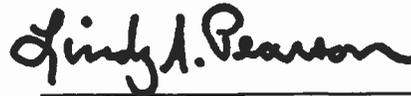
1. The Board has received information which alleges that Respondent has failed to provide adequate security for controlled substances located in the prescription department at Clarksville Pharmacy; that Respondent is unable to provide accountability for numerous controlled substances at Clarksville Pharmacy; and that Respondent has failed to maintain controlled substance records at Clarksville Pharmacy.

2. A Schedule III, IV, and V controlled substance accountability audit at Clarksville Pharmacy for the time period beginning May 1, 1993, and ending October 3, 1994, revealed a shortage of 19,948 units and an overage of 3,654 units.

3. Respondent has failed to provide accurate accountability for Schedule III, IV, and V controlled substances received by and dispensed from the Clarksville Pharmacy during the time period beginning May 1, 1993, and ending October 3, 1994.

4. The Clarksville Pharmacy dispensed numerous prescription refills for Schedule III, IV, and V controlled substances between May 1, 1993, and October 3, 1994, more than six months after the date on which the prescriptions were issued; more than five times; and/or without prescriber authorization or proper documentation of such.

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.



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Lindy A. Pearson  
Chief Investigator

On this 11th day of October, 1995, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.



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Marian L. Roberts, Chairperson  
Iowa Board of Pharmacy Examiners  
Executive Hills West  
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: Pharmacist License of  
**JOAN M. MOAD**  
License No. 17364  
Respondent

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**STIPULATION  
AND  
CONSENT ORDER**

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On this 19th day of March, 1996, the Iowa Board of Pharmacy Examiners and Joan M. Moad, R.Ph., of Allison, 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 Complaint and Statement of Charges and Notice of Hearing filed against Respondent on October 11, 1995, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That Respondent was issued a license to practice pharmacy on the 20th day of February, 1990, as evidenced by License Number 17364, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacist License Number 17364 issued to and currently held by Respondent is current and in full force until June 30, 1997.
3. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.

4. A Complaint and Statement of Charges and Notice of Hearing was filed against Respondent on October 11, 1995.

5. This Stipulation and Consent Order is executed as a compromise settlement of disputed claims.

6. Respondent agrees to accept a citation and warning for the alleged violations set forth in the complaint.

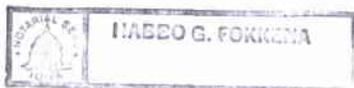
7. Respondent also agrees to obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy and the distribution of controlled substances and all federal and state criminal laws.

8. This Stipulation and Consent Order is subject to approval of a majority of the full Board. If the Board fails to approve this Stipulation and Consent Order, it shall be of no force or effect to either party.

9. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 21st day of February, 1996.

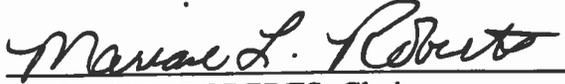
Joan M. Moad R.Ph.  
JOAN M. MOAD, R.Ph.  
Respondent

Subscribed and Sworn to before me on this 21st day of February, 1996.



Masbo G. Fokkema  
NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA

10. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 19<sup>th</sup> day of March, 1996.

  
MARIAN L. ROBERTS, Chairperson  
Iowa Board of Pharmacy Examiners  
Executive Hills West  
1209 East Court Avenue  
Des Moines, Iowa 50319

**BEFORE THE IOWA BOARD OF PHARMACY**

Re:	)	Case No. 2011-136
Pharmacist License of	)	
<b>JOAN MOAD</b>	)	<b>STATEMENT OF CHARGES</b>
License No. 17364,	)	
Respondent.	)	

**COMES NOW**, the Complainant, Lloyd K. Jessen, and states:

1. He is the Executive Director for the Iowa Board of Pharmacy (hereinafter, "Board") 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 (2011).
3. On February 20, 1990, the Board issued Joan Moad ("Respondent"), after examination, a license to engage in the practice of pharmacy as evidenced by license number 17364, subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's pharmacist license is current and active until June 30, 2013.
5. Respondent's address of record is 416 S. Main, Allison, Iowa 50602.
6. At all times material to this statement of charges, Respondent was employed as the pharmacist in charge at Clarksville Pharmacy, 111 South Main, Clarksville, Iowa 50619.

**A. CHARGE**

**COUNT I – LACK OF PROFESSIONAL COMPETENCY**

Respondent is charged under Iowa Code § 155A.12(1) (2011) and 657 Iowa Administrative Code § 36.1(4)(b) with lack of professional competency as demonstrated by Respondent's (a) substantial deviation from the standards of learning and skill ordinarily possessed and applied by other Iowa pharmacists, (b) failure to exercise in a substantial respect that degree of care which is ordinarily exercised by an Iowa pharmacist and (c) willful and repeated departures from, and a failure to conform to, the minimal standard and acceptable and prevailing practice of pharmacy in the state of Iowa.

## B. CIRCUMSTANCES

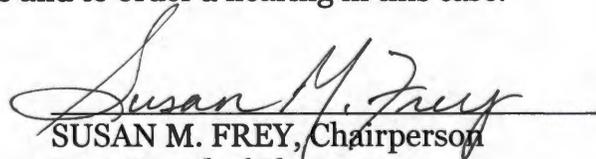
On or about September 27, 2011, an investigation was commenced which revealed the following:

1. At all times material, Respondent was employed as the pharmacist in charge at Clarksville Pharmacy, 111 South Main, Clarksville, Iowa 50619.
2. Roger J. Rasmussen was employed as a pharmacist by Clarksville Pharmacy. Rasmussen acknowledges that he dispensed a bubble pack containing the wrong strength of Exelon to a pharmacy patient. Rasmussen further acknowledges that the medication left the pharmacy without him checking the prescription fill.
3. The patient's doctor was not contacted by Respondent, Rasmussen or Clarksville Pharmacy following discovery that the patient had ingested an incorrect dose of Exelon.

**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 Director

On this 27<sup>th</sup> day of June 2012, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.

  
SUSAN M. FREY, Chairperson  
Iowa Board of Pharmacy  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

cc: Theresa Weeg  
Assistant Attorney General  
Hoover State Office Building  
Des Moines, Iowa

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**BEFORE THE IOWA BOARD OF PHARMACY**

Re:	)	Case No. 2011-136
Pharmacist License of	)	
<b>JOAN MOAD</b>	)	<b>STIPULATED</b>
License No. 17364	)	<b>CITATION</b>
Respondent	)	<b>AND WARNING</b>

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Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011), and 657 I.A.C. § 36.1(2) (j), the Iowa Board of Pharmacy (Board) and Joan Moad (Respondent), enter into this Stipulated Citation and Warning. This agreement is to resolve the allegations in the Statement of Charges filed against Respondent without proceeding to hearing. The Board and Respondent stipulate as follows:

1. Respondent was issued Pharmacist License Number 17364 to practice pharmacy in Iowa on February 20, 1990.
2. Respondent's Iowa Pharmacist License is active and current until June 30, 2013.
3. A Statement of Charges was filed against Respondent on June 27, 2012.
4. Respondent is employed as the pharmacist in charge at Clarksville Pharmacy, 111 South Main, Clarksville, Iowa 50619.
5. The Board has jurisdiction over the Respondent and the subject matter of this proceeding .
6. For the purposes of this Stipulated Citation and Warning, Respondent does not contest the allegations set forth in the Statement of Charges. Respondent accepts, pursuant to 657 I.A.C. § 36.1(4)(b), this citation and warning for being

the pharmacist in charge when another pharmacist dispensed a bubble pack of the wrong strength of Excelon to a pharmacy patient, when that pharmacist failed to check the prescription fill before it left the pharmacy, and when that pharmacist failed to contact the patient's physician after learning the patient had ingested the incorrect dose of Excelon.

7. Within thirty (30) days of the Board's approval of this Stipulated Citation and Warning, Respondent shall submit, for the Board's approval, policies and procedures for:
  - a. ensuring correct labeling of bubble-packed medications;
  - b. ensuring proper pharmacist review and verification of dispensed medications; and
  - c. providing prescriber notification when a patient receives and ingests an incorrect medication (including wrong drug or wrong dose).

Respondent agrees to adopt, implement, and adhere to these policies and procedures whenever employed as a pharmacist in charge and whenever engaging in the practice of pharmacy.

8. Should the Respondent violate or fail to comply with any of the terms or conditions of this Stipulated Citation and Warning, the Board may initiate action to revoke or suspend Respondent's Iowa pharmacist license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2011), and 657 IAC § 36.
9. This Stipulated Citation and Warning is the resolution of a contested case. By entering into this Stipulated Citation and Warning, Respondent waives all rights

to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to this Stipulated Citation and Warning.

10. The State's legal counsel may present this Stipulated Citation and Warning to the Board.
11. This proposed settlement is subject to approval by a majority of the full Board. If the Board fails to approve this Stipulated Citation and Warning, it shall be of no force or effect to either the Board or Respondent. If the Board approves this Stipulated Citation and Warning, it shall be the full and final resolution of this matter.
12. The Board's approval of this Stipulated Citation and Warning shall constitute a **FINAL ORDER** of the Board in a disciplinary action.

This Stipulated Citation and Warning is voluntarily submitted by Respondent to the Board for its consideration on the 7<sup>th</sup> day of August 2012.

Jan M. Mad PDC  
Respondent

This Stipulated Citation and Warning is accepted by the Iowa Board of Pharmacy on this 27<sup>th</sup> day of August 2012.

Susan M. Frey  
Iowa Board of Pharmacy  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

cc: Theresa O'Connell Weeg  
Meghan Gavin  
Assistant Attorneys General  
Office of the Attorney General  
Hoover State Office Building  
Des Moines, Iowa 50319

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**BEFORE THE IOWA BOARD OF PHARMACY**

Re:	)	Case No. 2011-136
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License No. 17364	)	<b>CITATION</b>
Respondent	)	<b>AND WARNING</b>

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Jan M. Mad PDC  
Respondent

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Susan M. Frey  
Iowa Board of Pharmacy  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

cc: Theresa O'Connell Weeg  
Meghan Gavin  
Assistant Attorneys General  
Office of the Attorney General  
Hoover State Office Building  
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