

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

Re:	)	Case No. 2002-26
Pharmacist License of)	
RANDY L. MOAD	)	STATEMENT OF CHARGES
License No. 15529)	
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 July 9, 1979, the Board issued Respondent, following examination, a license to engage in the practice of pharmacy as evidenced by license number 15529, 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, 2005.
5. Respondent's current address is 416 S. Main, Allison, Iowa 50602.
6. Respondent is the pharmacist in charge at the Allison Pharmacy at 305 North Main, Allison, Iowa.

A. CHARGES

COUNT I – LACK OF PROFESSIONAL COMPETENCY

Respondent is charged under Iowa Code § 155A.12(1) (2003) and 657 Iowa Administrative Code § 36.1(4) with a lack of professional competency as demonstrated by 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.

COUNT II – FAILURE TO PROVIDE PATIENT COUNSELING

Respondent is charged under Iowa Code § 155A.12 (2003) and 657 Iowa Administrative Code §§ 6.14 and 36.1(4)(i) with a failure to provide patient counseling and instruction.

COUNT III – IMPROPER DELEGATION OF PHARMACIST FUNCTIONS

Respondent is charged under Iowa Code § 155A.12(1) (2003) and 657 Iowa Administrative Code §§ 6.7(3) and 36.1(4)(i) and (l) with the improper delegation, to supportive personnel, of pharmacist functions such as filling, providing final verification of and dispensing prescriptions.

COUNT IV – AIDING THE UNLAWFUL PERFORMANCE OF PHARMACY TECHNICIAN FUNCTIONS

Respondent is charged under Iowa Code § 155A.12(1) (2003) and 657 Iowa Administrative Code §§ 36.1(4)(l) and 36.1(4)(aa) with aiding and assisting in the employment of persons not registered as pharmacy technicians to assist pharmacists with technical functions associated with the practice of pharmacy.

B. CIRCUMSTANCES

On or about March 26, 2003, an investigation was commenced, revealing the following:

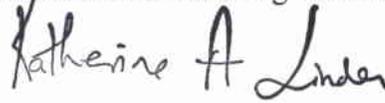
1. Respondent and his wife own and operate six pharmacies under the corporate name Allimont, Inc. Respondent is the pharmacist in charge at pharmacies in Dumont and Allison, Iowa. To operate the Allison pharmacy, Respondent primarily employs one pharmacy technician and clerks.
2. A routine examination of pharmacy activities revealed that clerks take phone orders for prescriptions and dispense prescription drugs outside of the presence of a pharmacist, without a pharmacist providing the required patient counseling.
3. The examination also revealed that no policies for shipping and delivering prescription drugs are available at the Allison Pharmacy, and that refrigeration devices are not maintained at an appropriate temperature.

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 29 day of July, 2003, 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

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

Re:	)	Case No. 2002-26
Pharmacist License of)	
RANDY L. MOAD	)	STIPULATION
License No. 15529	)	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 Randy L. Moad (hereinafter, "Respondent"), enter into the following Stipulation and Consent Order settling a licensee disciplinary proceeding currently pending before the Iowa Board of Pharmacy Examiners.

Allegations specified in a Statement of Charges filed against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

1. Respondent was issued a license to practice pharmacy in Iowa on July 9, 1979, after examination, as evidenced by Pharmacist License Number 15529, which is recorded in the permanent records of the Board.
2. The Iowa Pharmacist License issued to and held by Respondent is active and current until June 30, 2004.
3. Respondent is employed as a pharmacist at Allison Pharmacy, 305 North Main, Allison, Iowa 52241, where he serves as the pharmacist-in-charge.
4. A Statement of Charges was filed against Respondent on July 30, 2003.
5. The Board has jurisdiction over the parties and jurisdiction over the subject matter of these proceedings.

6. Respondent does not contest the allegations set forth in the Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding, constitute grounds for the discipline described herein.

7. On the date of the Board's approval of this Stipulation and Consent Order, Respondent's registration shall be placed on probation for a term of three (3) years provided, however, that only those time periods during which Respondent is employed as a pharmacist shall count toward exhaustion of the probationary term. Probation is granted under the following conditions, which Respondent agrees to follow:

a. Within six (6) months after the date of the Board's approval of this Stipulation and Consent Order, Respondent shall complete continuing pharmacy education ("CPE") or other formal, structured education in (1) the appropriate role of a pharmacy technician, (2) the training of pharmacists and pharmacy technicians regarding the appropriate role of pharmacy technicians and (3) the legal requirement of providing patient counseling at the time prescriptions are dispensed. The CPE shall be *not less than* four (4) hours in length and shall be pre-approved by the Board. Documentation of satisfactory completion of the education shall be promptly submitted to the Board. This CPE shall be in addition to – not in lieu of – the thirty (30) hours of continuing pharmacy education required every two years for license renewal.

b. Within sixty (60) days after the date of the Board's approval of this Stipulation and Consent Order, Respondent will propose to the Board *typewritten* pharmacy policies and procedures for the following: (1) education of technicians

regarding the appropriate technician role in a pharmacy, (2) instruction of all pharmacy personnel, including relief pharmacists, regarding limitations on technician activity and (3) procedures for patient counseling. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to these policies and procedures in his current employment setting and whenever engaging in the practice of pharmacy.

c. During probation, Respondent shall inform the Board, in writing, of any change of home address, place of employment, home telephone number, or work telephone number, within ten (10) days of such a change.

d. During probation, Respondent shall report to the Board or its designee quarterly, in writing. The report shall include Respondent's place of employment, current address, *Respondent's most recent efforts to implement the provisions of this Stipulation and Consent Order, by date*, and any further information deemed necessary by the Board from time to time.

e. During probation, Respondent shall not serve as a preceptor.

f. During probation, Respondent shall notify all present employers and prospective employers (no later than at the time of an employment interview), including any pharmacist-in-charge, of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this Stipulation and Consent Order.

g. Within thirty (30) days after approval of this Stipulation and Consent Order by the Board, and within fifteen (15) days of undertaking new employment

as a pharmacist, Respondent shall cause his pharmacy employer, and any pharmacist-in-charge he works under, to report to the Board in writing acknowledging that the employer and the pharmacist-in-charge have read this document and understand it.

h. During probation, Respondent shall appear informally before the Board, upon the request of the Board, for the purpose of reviewing his performance as a pharmacist during his probationary period. Respondent shall be given reasonable notice of the date, time, and place for the appearances.

i. Respondent shall obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy.

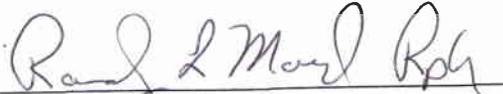
8. Should the Respondent violate or fail to comply with any of the terms or conditions of this Stipulation and Consent Order, the Board may initiate action to revoke or suspend Respondent's Iowa pharmacist license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2003) and 657 IAC 36.

9. 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.

10. 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 the Board or Respondent. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.

11. 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 19th day of May 2004.



Randy L. Moad, R.Ph.
Respondent

Subscribed and sworn to before me by Randy L. Moad on this 19th day of May 2004.

☆ Iowa Notarial Seal ☆
Quintin A. Goeke
My Commission No. 198341
Expires 9/9/04



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 July 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

Quint Goeke
109 N. Main
P.O. Box 400
Clarksville, Iowa 50619

BEFORE THE BOARD OF PHARMACY STATE OF IOWA

**IN THE MATTER OF THE STIPULATION AND CONSENT ORDER AGAINST
RANDY L. MOAD, R.Ph., RESPONDENT**

2006-26

TERMINATION ORDER

DATE: July 13, 2007

1. On July 13, 2007, a Stipulation and Consent Order was issued by the Iowa Board of Pharmacy placing the license to practice pharmacy, number 15529 issued to Randy L. Moad on July 9, 1979, on probation for a period of three years under certain terms and conditions.

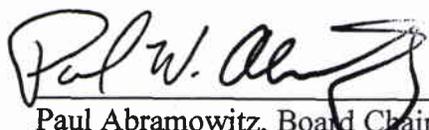
2. Respondent has successfully completed the probation as directed.

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

BEFORE THE BOARD OF PHARMACY STATE OF IOWA

**IN THE MATTER OF THE STIPULATION AND CONSENT ORDER AGAINST
RANDY MOAD, R.Ph., RESPONDENT**

TERMINATION ORDER

DATE: July 16, 2007

1. On July 14, 2004, a Stipulation and Consent Order was issued by the Iowa Board of Pharmacy placing the license to practice pharmacy, number 15529 issued to Randy L. Moad on July 9, 1979, on probation for a period of three years under certain terms and conditions.

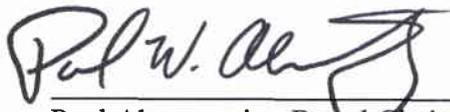
2. Respondent has successfully completed the probation as directed.

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 PHARMACY



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

BEFORE THE IOWA BOARD OF PHARMACY

Re:	)	Case No. 2011-129, 2011-135,
Pharmacist License of	)	2011-171, 2012-27 and 2012-42
RANDY MOAD)	
License No. 15529,	)	STATEMENT OF CHARGES
Respondent.	)	& NOTICE OF HEARING
)	

COMES NOW the Iowa Board of Pharmacy (Board) and files this Notice of Hearing and Statement of Charges pursuant to Iowa Code sections 17A.12(2) and 17A.18(3). Respondent was issued Iowa pharmacist license number 15529. Respondent's pharmacist license is active and will expire on June 30, 2013.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on March 12, 2013, before the Iowa Board of Pharmacy. The hearing shall be held during the afternoon hearing session, beginning at 1:00 p.m. and shall be located in the Board conference room located at 400 S.W. 8th Street, Des Moines, Iowa.

Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge from the Department of Inspections and Appeals make initial rulings on prehearing matters, and be present to assist and advise the board at hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 657 Iowa Administrative Code 35.19. At hearing you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally or be represented by counsel at your own expense. The hearing may be open to the public or closed to the public at your discretion.

Prosecution. The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:

Theresa O'Connell Weeg
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor Hoover State Office Building
Des Moines, Iowa 50319

Ms. Weeg may also be reached by phone at (515)281-5328 or by e-mail at Theresa.Weeg@iowa.gov.

Communications. You may contact the Board office (515)281-5944 with questions regarding this notice and other matters relating to these disciplinary proceedings. However, you may NOT contact individual members of the Board to discuss these proceedings by phone, letter, facsimile, email, or in person. Board members can only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You may also direct questions relating to settlement of these proceedings to Assistance Attorney General Theresa O'Connell Weeg at (515)281-5328 or at Theresa.Weeg@iowa.gov.

B. LEGAL AUTHORITY AND JURISDICTION

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 155A, and 272C (2011).

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 148C, and 272C (2011) and 657 Iowa Administrative Code chapter 36.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 657 Iowa Administrative Code rule 35.21.

C. CHARGES

COUNT I PROFESSIONAL INCOMPETENCY

Respondent is charged under Iowa Code Section 147.55(2) and 272C.10(2) (2011); and 657 Iowa Administrative Code 36.1(4)(b), with professional incompetence.

COUNT II VIOLATING LAWS RELATED TO REFILL OF PRESCRIPTIONS

Respondent is charged under Iowa Code Section 155A.12(1) (2011) and 657 Iowa Administrative Code 6.16, 10.28, 10.34, 21.5, 36.1(4)(i) and (j), and 8.19(6) with violating the rules of the Board related to refills of prescription drugs.

COUNT III VIOLATING LAWS RELATED TO PHARMACIST IN CHARGE

Respondent is charged with violating Iowa Code Section 155A.12(1) (2011) and 657 Iowa Administrative Code 6.2(15) and 8.3(1) for failing to comply with the rules of

the Board related to the responsibility of the pharmacist in charge to ensure the pharmacy is in compliance with the laws governing the practice of pharmacy.

COUNT IV
VIOLATING LAWS RELATED TO
ORDERLINESS OF PHARMACY

Respondent is charged under Iowa Code Section 155A.12(1) and 657 Iowa Administrative Code 8.5(3) with violating the rules of the Board related to the orderliness of a pharmacy.

D. FACTUAL CIRCUMSTANCES

1. Respondent is a licensed pharmacist in the State of Iowa. His license is active and will expire on June 30, 2013.
2. On July 29, 2003, the Board filed formal disciplinary charges against Respondent for lack of professional competency, failure to provide patient counseling, improper delegation of pharmacist functions, and employment of persons unlawfully performing pharmacy technician functions. Respondent was placed on probation for three years subject to a number of terms. The probation terminated July 13, 2007.

Case #2011-129

3. At all times material to these Circumstances, Respondent was the owner and the pharmacist in charge at Allison Pharmacy in Allison, IA.
4. On a monthly basis in 2010-2011, Respondent refilled a patient's prescription for Hydrochlorothiazide, a diuretic used for hypertension, without the prescriber's authorization. The patient had not been seen in the prescriber's office since March of 2010, and the prescriber had no record of authorizing the prescription. The prescriber does not give verbal authorization for refills over the phone, nor did the patient's prior prescriber.
5. On a monthly basis in 2010-2011, Respondent refilled a patient's prescription for Synthroid, a medication used to treat hypothyroidism, and Fludrocortisone, a medication used to treat the destruction of the adrenal glands, without the prescriber's authorization. The prescriber had not authorized a prescription since April of 2008. The patient had not been seen in the prescriber's office since December 2010 for an unrelated issue, and the prescriber had no record of authorizing these prescriptions. The prescriber does not give verbal authorization for refills over the phone.
6. On a monthly basis in 2010-2011, and without the prescriber's authorization, Respondent refilled a patient's prescription for Atenolol, a medication used to

treat hypertension; Fenofibrate, a medication used to treat hyperlipidemia; Glipizide, a medication used to treat diabetes; lisinopril a medication used to treat hypertension, and Metformin, a medication used to treat hyperlipidemia. The prescriber had no record of authorizing these prescriptions. The prescriber does not give verbal authorization for refills over the phone.

7. For this same patient, Respondent also refilled on two occasions, and without the prescriber's authorization, a prescription for Diazepam, a controlled substance used to treat anxiety. The prescriber had no record of authorizing these refills. The prescriber did not give verbal authorization for these refills over the phone.

Case #2011-135

8. At all times material to these Circumstances, Respondent was the owner and the pharmacist in charge at Allison Pharmacy in Allison, Iowa.
9. On multiple occasions in 2009-2011, and without the prescriber's authorization, Respondent refilled a patient's prescription for Lorazepam, a controlled substance used to treat anxiety. The prescriber had no record of authorizing these refills. The prescriber did not give verbal authorization for these refills over the phone.
10. On multiple occasions in 2010-2011, and without the prescriber's authorization, Respondent refilled a patient's prescriptions for Clonazepam, a controlled substance used to treat anxiety; and Alprazolam, a controlled substance used to treat anxiety. The prescriber had no record of authorizing these refills. The prescriber did not give verbal authorization for these refills over the phone.

Case #2011-171

11. At all times material to these Circumstances, Respondent was the owner and the pharmacist in charge at Allison Pharmacy in Allison, IA.
12. On November 16, 2011, a prescription for azithromycin 100mg/5ml was sent electronically to the Allison Pharmacy for a pediatric patient with recurrent otitis media. However, Respondent dispensed to the patient azithromycin 200mg/5ml. In addition, the directions on the label regarding dosage were incorrect.
13. Respondent admitted he does not perform an NDC check when verifying prescriptions, but instead visually matches the prescription label to the medication label.
14. The Board's compliance officer noted at the time he interviewed Respondent that the pharmacy was cluttered and disorganized.

Case #2012-27

15. At all times material to these Circumstances, Respondent was the owner and the pharmacist in charge at Dumont Pharmacy in Dumont, IA.
16. From 2008 through 2012, and on numerous occasions for numerous patients, Respondent refilled prescriptions for controlled and non-controlled prescription drugs without the authorization of the prescriber.
 - a. Respondent admitted he documented these refills by creating a new prescription off the old medication order and using a portion of the original prescription label as the hard copy; or by altering pharmacy records by adding refills to the original prescription.
 - b. Many patients who received refills were taking drugs that required monitoring by the health care provider who authorized the original prescription. Respondent provided refills to these patients despite the fact that the patients had not been seen by their health care provider for months or even years.

Case # 2012-42

17. At all times material to these Circumstances, Respondent was the owner and the pharmacist in charge at Allison Pharmacy in Allison, IA.
18. On January 9, 2012, Respondent refilled two prescriptions for a patient: Lovastatin 20mg, a drug for treating hypercholesterolemia, and Levothyroxine 88mcg, a drug for treating hypothyroidism. On February 16, 2012, a health care provider noted that a patient had a dangerously elevated thyroid level. Upon investigation by the provider, it was determined the patient had Lovastatin pills in both bottles. Respondent had erroneously dispensed Lovastatin to this patient in a bottle labeled Levothyroxine. The patient had been off the Levothyroxine since January 9, 2012.
19. The health care provider noted two additional dispensing errors had recently been made by Respondent. One of those errors involved a prescription for ciprofloxacin ophthalmic solution for a pediatric patient with conjunctivitis. The label on that prescription stated the drops were to be placed in the ear instead of the eye.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 657 Iowa Administrative Code 36.3. If you are interested in pursuing settlement of this matter, please contact Assistant Attorney General Theresa Weeg.

F. PROBABLE CAUSE FINDING

On this 16th day of January, 2013, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.



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

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon Respondent to the above cause by:

- | | |
|--|---|
| <input type="checkbox"/> personal service | <input type="checkbox"/> first class mail |
| <input checked="" type="checkbox"/> certified mail, return receipt requested | <input type="checkbox"/> facsimile |
| Article Number 9171999991703105609788 | <input type="checkbox"/> other _____ |
- on the 17th day of January, 2013.

I declare that the statements above are true to the best of my information, knowledge and belief.



Debbie S. Jorgenson

BEFORE THE IOWA BOARD OF PHARMACY

Re:	)	Case Nos. 2011-129, 2011-135
Pharmacist License of	)	2011-171, 2012-27, and 2012-42
)	
RANDY MOAD	)	SETTLEMENT AGREEMENT
License No. 15529,	)	AND
Respondent.	)	FINAL ORDER

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011), the Iowa Board of Pharmacy and Randy Moad, Respondent, enter into the following Settlement Agreement and Final Order to settle a licensee disciplinary proceeding currently pending before the Board.

The allegations contained in a Statement of Charges against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

1. Respondent was issued Pharmacist License No. 15529. That license is active and current until June 30, 2013.
2. A Statement of Charges was filed against Respondent on January 16, 2013.
3. Respondent was at all times relevant to the Amended Statement of Charges employed as the pharmacist in charge at Allison Pharmacy in Allison, Iowa; at Dumont Pharmacy in Dumont, Iowa; and was the owner of Dows Pharmacy.
4. The Board has jurisdiction over the parties and the subject matter of these proceedings.

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IOWA BOARD OF PHARMACY

5. Respondent has chosen not to contest the allegations in the Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Order.
6. Thirty-three (33) days after the date of the Board's approval of this Settlement Agreement and Final Order, Respondent agrees his license to practice pharmacy will be suspended for thirty (30) days. Respondent shall not engage in any aspect of the practice of pharmacy during this period of suspension
7. Respondent agrees that he will not refill prescriptions for any medications, including controlled substances, without the appropriate authorization from the prescriber.
8. At the expiration of the thirty (30) day period of suspension, Respondent's license shall be placed on probation for a period of five (5) years, subject to the following terms:
 - a. Respondent shall submit a \$10,000.00 civil penalty to the Board. This civil penalty shall be made payable to the Treasurer of Iowa and mailed to the executive director of the Board within twenty (20) days of the date this Settlement Agreement is approved by the Board. All civil penalty payments shall be deposited into the State of Iowa's general fund.
 - b. Within 30 days of the date this Settlement Agreement is approved by the Board, Respondent shall enter into an agreement with a practice consultant. This agreement shall be at Respondent's expense.

- i. The Board-approved practice consultant shall be an Iowa-licensed pharmacist who is approved by the Board to serve as a practice consultant.
 - ii. The practice consultant shall meet Respondent on a weekly basis to ensure that Respondent has fully complied with the terms of paragraphs 8(d) and (e) of this Settlement Agreement and with the laws governing the practice of pharmacy in Iowa.
 - iii. Respondent shall comply with any recommendations made by the practice consultant.
 - iv. The practice consultant shall file monthly reports with the Board by the fifth (5th) day of every month. The reports shall describe Respondent's compliance with this Settlement Agreement and include any recommendations the consultant believes necessary to ensure Respondent is in compliance with this Settlement Agreement and the laws governing the practice of pharmacy in Iowa. Respondent is responsible for ensuring the practice consultant's reports are timely filed.
 - v. After a period of successful compliance with this requirement, Respondent may request Board approval for reduction of the requirements for the practice consultant meetings and reports.
- c. Respondent shall within sixty (60) days of the date this Settlement Agreement is approved by the Board, submit to the Board for its approval policies and procedures for the following areas of practice. Respondent

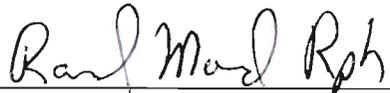
agrees to comply with these policies and procedures whenever employed as a pharmacist in charge and whenever engaging in the practice of pharmacy in a pharmacy which has no conflicting policies and procedures.

- i. Refills of prescription medications
 - ii. Refills of controlled substances prescriptions
 - iii. CQI – Continuing Quality Improvement
 - iv. Long term care operations
 - v. proper recordkeeping for the dispensing of prescription drugs and controlled substances
 - vi. patient counseling
 - vii. drug utilization review
 - viii. documentation of final verification of dispensed medications, including checking NDC number with proper documentation
 - ix. Maintaining sanitary and orderly pharmacy
- d. Within 30 days of the date this Settlement Agreement is approved by the Board, Respondent shall submit for Board approval a schedule for staffing each pharmacy in which he has an ownership interest. Respondent shall provide an updated staffing schedule for each pharmacy in his quarterly reports filed by the Board as required by subsection g, below.
- e. Within 60 days of the date this Settlement Agreement is approved by the Board, Respondent shall complete an additional two (2) hours of continuing pharmacy education (CPE) on medication dispensing errors and an additional two (2) hours on patient safety, both of which shall be pre-approved by the Board. Documentation of satisfactory completion of this CPE shall be promptly submitted to the Board. The CPE shall be in addition to the thirty (30) hours of CPE required every two years for license renewal.

- f. Respondent shall comply with all applicable Iowa pharmacy law and rules and all related federal requirements for controlled substances.
- g. Respondent shall submit quarterly reports to the Board. The reports shall be filed not later than December 5, March 5, June 5 and September 5 of each calendar year. These reports shall include Respondent's place of employment; current address; **an updated staffing schedule for each pharmacy in which he has an ownership interest**; a narrative discussing Respondent's current compliance with the terms of this Settlement Agreement and Final Order; and any further information requested by the Board.
- h. Within thirty (30) days after approval of this Settlement Agreement and Final Order by the Board, and within fifteen (15) days of undertaking new employment as a pharmacist, Respondent is responsible for ensuring his pharmacy employer, and any pharmacist-in-charge he works under, to report to the Board in writing acknowledging that the employer and the pharmacist-in-charge have read this document and understand it.
- i. Upon the Board's request, Respondent shall appear informally before the Board for the purpose of reviewing his performance as a pharmacist and compliance with his probation. Respondent shall be given reasonable notice of the date, time, and place for the appearances.
- j. Only the periods of time during which Respondent is actively practicing as a pharmacist in Iowa shall apply to the duration of the probation, unless otherwise approved by the Board.

- k. Respondent shall inform the Board in writing of any change of home address, place of employment, home telephone number, or work telephone number, within ten (10) days of such a change.
9. Should Respondent violate or fail to comply with any of the terms and conditions of this Settlement Agreement and Final Order, 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.
10. This Settlement Agreement and Final Order is the resolution of a contested case. By entering into this Settlement Agreement and Final 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 Final Order.
11. The State's legal counsel may present this Settlement Agreement and Final Order to the Board.
12. This Settlement Agreement and Final Order 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 the Board or Respondent. If the Board approves this Settlement Agreement and Final Order, it shall be the full and final resolution of this matter.
13. The Board's approval of this Settlement Agreement and Final Order shall constitute a FINAL ORDER of the Board.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the ____ day of _____, 2013.



RANDY MOAD, R.Ph.
Respondent

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on the
26 day of June, 2013.



EDWARD L. MEIER, Chairperson
Iowa Board of Pharmacy
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Theresa O=Connell Weeg
Assistant Attorney General
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