

**BEFORE THE IOWA BOARD OF PHARMACY**

Re:	)	
Pharmacy License of	)	Case No. 2009-60
<b>MONUMENT PHARMACY, INC.</b>	)	
License No. 3426,	)	<b>STATEMENT OF CHARGES</b>
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 147, 155A and 272C (2009).
3. Effective December 30, 2008, the Board renewed the nonresident pharmacy license of Monument Pharmacy, Inc. (hereinafter, "Respondent"), allowing Respondent to engage in the operation of a pharmacy subject to the laws of the State of Iowa the rules of the Board.
4. Nonresident pharmacy license 3426 is current and active until December 31, 2009.
5. At all times material to this statement of charges, Respondent was operating a nonresident pharmacy at 115C Second Street, P.O. Box 467, Monument, Colorado, with Lee Frisbie as pharmacist in charge.

**A. CHARGES**

**COUNT I – VIOLATING LAWS OF ANOTHER STATE**

Respondent is charged pursuant to Iowa Code § 155A.15(2)(c) (2009) and 657 Iowa Administrative Code §§ 36.1(4)(j) and 36.1(4)(ad), with violating the laws of Missouri and Colorado, which laws relate to the practice of pharmacy.

**B. CIRCUMSTANCES**

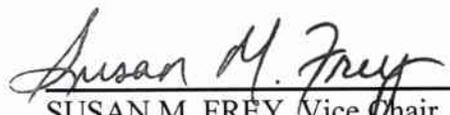
On or about June 2, 2009, an investigation was commenced, revealing the following:

1. Respondent operates a nonresident pharmacy located at Monument, Colorado, with Lee Frisbie as the pharmacist in charge.
2. Respondent has self-reported entering into disciplinary stipulations with both Missouri (on October 17, 2008) and Colorado (on April 29, 2009).
3. Discipline in Missouri was based upon the fact Respondent had shipped compounded medications into the State of Missouri during 2006, 2007 and 2008 without being licensed in Missouri.
4. Discipline in Colorado was based upon the fact Respondent failed to report the Missouri discipline to Colorado within 30 days of October 17, 2008.

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 17 day of August 2009, 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, Vice Chair  
Iowa Board of Pharmacy  
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 IOWA BOARD OF PHARMACY**

Re:	)	Case No. 2009-60
Pharmacy License of	)	
<b>MONUMENT PHARMACY, INC.</b>	)	<b>STIPULATED</b>
License No. 3426	)	<b>CITATION AND</b>
Respondent	)	<b>WARNING</b>

RECEIVED  
 FEB 17 2010  
 IOWA BOARD OF PHARMACY

Pursuant to Iowa Code §§ 17A.10, 155A.15 and 272C.3(2)(f) (2009), the Iowa Board of Pharmacy (hereinafter, “Board”) and Monument Pharmacy, Inc. (hereinafter, “Respondent”), enter into the following Stipulated Citation and Warning, settling a licensee disciplinary proceeding currently pending before the Iowa Board of Pharmacy.

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's license to operate a pharmacy in Iowa was renewed December 30, 2008, as evidenced by Pharmacy License Number 3426, which is recorded in the permanent records of the Board.
2. The general Iowa Pharmacy License issued to and held by Respondent is active and current until December 31, 2010.
3. A Statement of Charges was filed against Respondent on August 17, 2009.
4. Respondent is currently operating a general pharmacy at 115C Second Street, Monument, Colorado, with Lee Frisbie as the pharmacist in charge.
5. The Board has jurisdiction over the parties and jurisdiction over the subject matter of these proceedings.
6. Respondent has chosen not to contest the allegations set forth in the Statement of

Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline described herein.

7. Upon the Board's approval of this Stipulated Citation and Warning, Respondent shall be assessed a civil penalty in the amount of \$1500. This civil penalty shall be paid promptly after the Board's approval of this Stipulated Citation and Warning, and shall be made payable to the Treasurer of Iowa and mailed to the executive director of the Board. All civil penalty payments shall be deposited into the State of Iowa general fund.

8. Should Respondent violate or fail to comply with the terms or conditions of this Citation and Warning, 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 (2009), and 657 Iowa Administrative Code § 36.1.

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 settlement, 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.

11. The Board's approval of this Stipulated Citation and Warning shall constitute a



stewart  
shortridge  
& fitzke, p.c.  
Attorneys at Law

E-mail: [gmclaughlin@ssf-law.net](mailto:gmclaughlin@ssf-law.net)  
February 10, 2010

Scott M. Galenbeck, Esq.  
Assistant Attorney General  
Iowa Attorney General's Office  
2<sup>nd</sup> Floor, Hoover State Office Building  
Des Moines, Iowa 50319

Re: Pharmacy License of Monument Pharmacy, Inc., License No. 3426  
Case No. 2009-60

Dear Mr. Galenbeck,

I am writing in response to your e-mail to me of February 2, 2010 which contained a proposed Stipulated Citation and Warning.

Monument Pharmacy, Inc., my client, has agreed to terms contained in said document.

I enclose with this letter the Stipulated Citation and Warning signed by Monument Pharmacy, Inc. along with check #15155 in the amount of \$1500 made payable to the Treasurer of Iowa.

I would request that you return a copy of the Citation and Warning as soon as possible after the Iowa Board of Pharmacy has countersigned the document. This is important as Monument Pharmacy must report any discipline action to the Colorado of Board of Pharmacy within 30 days of its occurrence.

I cannot report this Iowa matter until I know that the Iowa Board of Pharmacy has in fact signed off on the resolution, thus triggering the reporting duty to the Colorado Board of Pharmacy.



stewart  
shortridge  
& fitzke, p.c.  
Attorneys at Law

Thank you in advance for your time and assistance in bringing this matter to a resolution.

Very Truly Yours,  
Stewart, Shortridge & Fitzke, P.C.



Greg S. McLaughlin  
Attorney at Law

Enclosure

Cc: Monument Pharmacy  
Brent Hultquist, Esq.

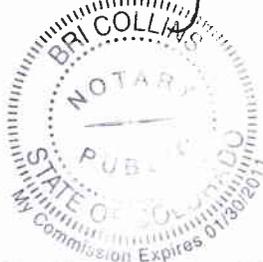
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**FINAL ORDER** of the Board in a disciplinary action.

This Stipulated Citation and Warning is voluntarily submitted by Respondent to the Board for its consideration on the 4 day of February 2010.

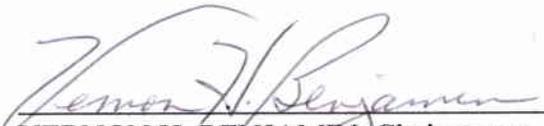
  
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MONUMENT PHARMACY, INC.  
Lee Frisbie, R.Ph., Pharmacist in Charge  
Respondent

Subscribed and sworn to before me by Lee Frisbie, Pharmacist in Charge for Monument Pharmacy, on this 4<sup>th</sup> day of February 2010.



  
\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR  
THE STATE OF COLORADO

This stipulated Citation and Warning is accepted by the Iowa Board of Pharmacy on the 10<sup>th</sup> day of March 2010.

  
\_\_\_\_\_  
VERNON H. BENJAMIN, Chairperson  
Iowa Board of Pharmacy  
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

Greg McLaughlin  
4 Inverness Court East, Suite 100  
Englewood, Colorado 80112