

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

Re:	)	Case No. 2005-92
Pharmacist License of	)	
<b>MARTHA A. MORIN</b>	)	<b>STATEMENT OF CHARGES</b>
License No. 15348	)	
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 (2005).
3. On July 12, 1978, the Board issued Respondent, Martha A. Morin, following examination, a license to engage in the practice of pharmacy as evidenced by license number 15348, 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, 2007.
5. Respondent's current address is P.O. Box 562, Akron, Iowa 51001.
6. Respondent was, at all times material to this statement of charges, employed as the pharmacist-in-charge at Thorson Drug, 233 Reed Street, Akron, Iowa 51001.

**A. CHARGES**

**COUNT I – DEPARTURE FROM PROFESSIONAL STANDARDS**

Respondent is charged with a lack of professional competency, in violation of Iowa Code § 155A.12(1) (2005) and 657 Iowa Administrative Code § 36.1(4), 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 – ILLEGAL DISTRIBUTION OF DRUGS**

Respondent is charged with distribution of drugs for other than lawful purposes in violation of Iowa Code § 155A.12(1) (2005) and 657 Iowa Administrative Code § 36.1(4)(h), including

diversion and distribution of prescription drugs and controlled substances to members of her family in the absence of a prescription.

### COUNT III – INADEQUATE RECORD KEEPING

Respondent is charged with inadequate record keeping, including inadequate record keeping relating to controlled substances, in violation of Iowa Code §§ 124.308(3), 155A.12(4), 155A.12(5), 155A.27 (2005) and 657 Iowa Administrative Code §§ 6.2, 6.8, 8.15 & 36.1(4)(ac) and 21 CFR 1304.11 & 1306.22(b)(3), due to Respondent's failure to maintain complete records of prescription medications dispensed.

### COUNT IV – INADEQUATE CONTROLS OVER CONTROLLED SUBSTANCES

The 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.12(1) and 155A.12(5) (2005) and 657 Iowa Administrative Code § 6.7.

### COUNT V – VIOLATION OF CONTROLLED SUBSTANCES LAWS

Respondent is charged with a failure to comply with controlled substances laws, in violation of Iowa Code §§ 124.306, 124.308, 124.402 and 155A.12(5) (2003) and 657 Iowa Administrative Code § 36.1(4)(j).

### **B. CIRCUMSTANCES**

The circumstances supporting the above charges are set forth in Attachment A.

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 26 day of January 2006, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.



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  
Hoover State Office Building  
Des Moines, Iowa 50319

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

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Re:	)	Case No. 2005-92
Pharmacist License of	)	
<b>MARTHA A. MORIN</b>	)	<b>STIPULATION</b>
License No. 15348	)	<b>AND</b>
Respondent	)	<b>CONSENT ORDER</b>

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Pursuant to Iowa Code §§ 17A.10 and 272C.3 (4) (2005) the Iowa Board of Pharmacy Examiners (hereinafter, “the Board”) and Martha A. Morin (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, pursuant to the following Stipulation:

1. Respondent was issued a license to practice pharmacy in Iowa on July 12, 1978, following examination, as evidenced by Pharmacist License Number 15348, subject to the laws of the State of Iowa and the rules of the Board.
2. Iowa Pharmacist License Number 15348, issue to and held by Respondent is active and current until June 30, 2007.
3. At all times material to these proceedings, Respondent was employed as the pharmacist-in-charge at Thorson Drug, 233 Reed Street, Akron, Iowa 51001.
4. A Statement of Charges was filed against Respondent on January 27, 2006.
5. The Board has jurisdiction over Respondent and the subject matter herein.
6. For the purposes of this Stipulation and Consent Order, Respondent does not contest the allegations set forth in the Statement of Charges. Respondent accepts,

pursuant to 657 I.A.C. 36.1(2)(j), this Stipulation and Consent Order for alleged (1) violations relating to diversion and distribution of prescription drugs and controlled substances, (2) failure to maintain accurate control over and accountability for drugs, including controlled substances, (3) record keeping violations relating to controlled substances, (4) violations of controlled substance laws, and (5) failure to conform to, the minimal standard and acceptable and prevailing practice of pharmacy.

7. Upon the date of the Board's approval of this Stipulation and Consent Order, Respondent's license shall be placed on probation for a period of five years, under the following terms and conditions:

- a. Respondent shall agree to comply with the terms of probation.
- b. The period of probation shall be five (5) years provided, however, that only those time periods during which Respondent is actively employed as a pharmacist in Iowa shall count toward exhaustion of the probationary term.
- c. Respondent shall file written, sworn quarterly reports with the Board attesting to her compliance with all the terms and conditions of the order. The reports shall be filed not later than March 5, June 5, September 5, and December 5 of each year of the Respondent's probation. The report shall include Respondent's place of employment, current home address, home telephone number or work telephone number, and Respondent's most recent efforts to implement the provisions of this Stipulation and Consent Order, and any further information deemed necessary by the Board.
- d. Respondent shall not serve as a preceptor.
- e. Respondent shall obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy.
- f. To facilitate compliance with the provisions of paragraph "e" above, Respondent shall provide the Board with a signed copy of the pharmacy's biennial controlled substance inventory within 10 days of the date that the biennial inventory is taken. This requirement shall apply to any pharmacy where Respondent serves as the pharmacist in charge.
- g. Respondent shall not possess or use any controlled substance or prescription drug, in any form, unless the controlled substance or prescription drug has been authorized and prescribed for Respondent

by a licensed, treating physician or other qualified treating health care provider.

- h. Respondent shall not supply or distribute any controlled substance or prescription drug, in any form, to members of her family, unless the controlled substance or prescription drug has been authorized and prescribed for said family members by a licensed, treating physician or other qualified treating health care provider.
- i. To facilitate performance of the provisions of paragraphs “g” and “h” above, Respondent shall be subject to periodic audits of controlled substances by representatives of the Board.
- j. Within six (6) months after the date of the commencement of the probationary period, Respondent shall complete four (4) hours of continuing pharmacy education (“CPE”) or other formal, structured education covering the following topics: (1) not less than two hours relating to pharmacy law, and (2) not less than two hours relating to controlled substance record keeping and controlled substance regulation. The CPE shall be pre-approved by the Board. Documentation of satisfactory completion of the education shall be promptly submitted to the Board. The 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.
- k. 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) controlled substances handling, including record-keeping, disposal, security and completion of the required biennial controlled substances inventory, (2) shipping and delivery of prescription drugs, and (3) unit dose drug distribution and long term-care pharmacy practice. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to these policies and procedures or substantially similar procedures in any employment setting in which she is acting as a pharmacist in charge of a pharmacy.
- l. Respondent shall appear informally before the Board, upon the request of the Board, for the purpose of reviewing Respondent’s performance as a pharmacist during her probationary period. Respondent shall be given reasonable notice of the date, time and place for the appearances.

8. Upon the Board’s approval of this Stipulation and Consent Order, Respondent shall be assessed a civil penalty in the amount of \$2,500. This civil penalty payment 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.

9. Should the Respondent violate or fail to comply with any of the terms and 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.
10. This Stipulation and Consent Order is the resolution of a licensee disciplinary proceeding currently pending before the Iowa Board of Pharmacy. 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 Stipulation and Consent Order, 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.
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 Respondent to the Board for its consideration on the 22 day of Aug 2006.

  
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Martha A. Morin, R.Ph., Respondent

State of Iowa

County of Plymouth

Signed and sworn (or affirmed) before me

on Aug 22, 2006  
Date

by Martha A Morin  
Name(s) of Person(s)

Lori J Martin  
Signature of Notary Public

9-14-07

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 13 day of September 2006.

Michael J Seifert  
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