

BEFORE THE BOARD OF PHARMACY EXAMINERS  
OF THE STATE OF IOWA

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Re: Pharmacist License of	}	<b>COMPLAINT</b>
<b>ROLLAND H. NELSON</b>	}	<b>AND</b>
License No. 13736	}	<b>STATEMENT</b>
Respondent	}	<b>OF CHARGES</b>
	}	<b>AND</b>
	}	<b>NOTICE OF HEARING</b>

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**COMES NOW,** Lloyd K. Jessen, Executive Secretary of the Iowa Board of Pharmacy Examiners, on the 3rd day of April, 1991, and files this Complaint and Statement of Charges against Rolland H. Nelson, a pharmacist licensed pursuant to Iowa Code chapter 155A, and alleges that:

1. Melba L. Scaglione, Chairperson; Alan M. Shepley, Vice Chairperson; Rollin C. Bridge; Donna J. Flower; Phyllis A. Olson; Marian L. Roberts; and John F. Rode are duly appointed, qualified members of the Iowa Board of Pharmacy Examiners.

2. Respondent was issued a license to practice pharmacy in Iowa on August 11, 1970, by reciprocity.

3. Respondent's license to practice pharmacy in Iowa is current until June 30, 1991.

4. Respondent is employed as the pharmacist-in-charge of Reliable Drug #5207 located at 3279 Seventh Avenue, Marion, Iowa 52302.

5. Respondent currently resides at 270 Lynda Drive N.W., Cedar Rapids, Iowa 52405.

6. An investigative report filed with the Board on August 22, 1990, by Pharmacy Investigator E. Ray Shelden revealed that Respondent made a dispensing error on June 15, 1990, at Revco Drug Store # 3009, 3279 7th Avenue, Marion, Iowa, on prescription number 444626 when he dispensed a prescription vial containing Theo-Dur Sprinkle 200mg which he mislabeled as "Theo-24 300mg" with incorrect label directions.

7. An investigative report filed with the Board on January 24, 1991, by Pharmacy Investigator E. Ray Shelden revealed that Respondent made a dispensing error on November 24, 1990, at Reliable Drug # 5207, 3279 7th Avenue, Marion, Iowa, on prescription number 481589 when he dispensed Lasix 40mg in place

of the prescribed drug, Lanoxin 0.25mg. As a result, the patient received no Lanoxin for a period of approximately six weeks, and in its place, received Lasix 40mg. The patient experienced medical problems during this time period which required emergency medical care and hospitalization.

On the basis of paragraphs 6 and 7 above, the Iowa Board of Pharmacy Examiners finds that Respondent has demonstrated professional incompetency in the practice of pharmacy.

8. Respondent is guilty of violating 1991 Iowa Code section 155A.12(1)) by virtue of the information and allegations contained in paragraphs 6 and 7.

1991 Iowa Code section 155A.12 provides, in part, the following:

...The board shall refuse to issue a pharmacist license for failure to meet the requirements of section 155A.8. The board may refuse to issue or renew a license or may impose a fine, issue a reprimand, or revoke, restrict, cancel, or suspend a license, and may place a licensee on probation, if the board finds that the applicant or licensee has done any of the following:

1. Violated any provision of this chapter or any rules of the board adopted under this chapter.

9. Respondent is guilty of violating 657 Iowa Administrative Code section 9.1(4)(b) by virtue of the information and allegations contained in paragraphs 6 and 7.

657 Iowa Administrative Code section 9.1 provides, in part, the following:

4. The board may impose any of the disciplinary sanctions set out in subrule 9.1(2), including civil penalties in an amount not to exceed \$25,000, when the board determines that the licensee or registrant is guilty of the following acts or offenses:...

b. Professional incompetency. Professional incompetency includes but is not limited to:

(1) A substantial lack of knowledge or ability to discharge professional obligations within the scope of the pharmacist's practice.

(2) A substantial deviation by a pharmacist from the standards of learning or skill ordinarily possessed and applied by other pharmacists in the state of Iowa acting in the same or similar circumstances.

(3) A failure by a pharmacist to exercise in a substantial respect that degree of care which is ordinarily exercised by the average pharmacist in the state of Iowa acting under the same or similar

circumstances.

(4) A willful or repeated departure from, or the failure to conform to, the minimal standard or acceptable and prevailing practice of pharmacy in the state of Iowa.

The Iowa Board of Pharmacy Examiners finds that paragraphs 8 and 9 constitute grounds for which Respondent's license to practice pharmacy in Iowa can be suspended or revoked.

**WHEREFORE**, the undersigned charges that Respondent has violated 1991 Iowa Code section 155A.12(1) and 657 Iowa Administrative Code section 9.1(4)(b).

**IT IS HEREBY ORDERED**, pursuant to Iowa Code section 17A.12 and 657 Iowa Administrative Code section 1.2, that Rolland H. Nelson appear before the Iowa Board of Pharmacy Examiners on Tuesday, July 16, 1991, at 2:00 p.m., in the second floor conference room, 1209 East Court Avenue, Executive Hills West, Capitol Complex, Des Moines, Iowa.

The undersigned further asks that upon final hearing the Board enter its findings of fact and decision to suspend or revoke the license to practice pharmacy issued to Rolland H. Nelson on August 11, 1970, and take whatever additional action that they deem necessary and appropriate.

Respondent may bring counsel to the hearing, may cross-examine any witnesses, and may call witnesses of his own. If Respondent fails to appear and defend, Iowa Code section 17A.12(3) provides that the hearing may proceed and that a decision may be rendered. The failure of Respondent to appear could result in the permanent suspension or revocation of his license.

The hearing will be presided over by the Board which will be assisted by an administrative law judge from the Iowa Department of Inspections and Appeals. The office of the Attorney General is responsible for the public interest in these proceedings.

Information regarding the hearing may be obtained from Lynette A. F. Donner, Assistant Attorney General, Hoover Building, Capitol Complex, Des Moines, Iowa 50319 (telephone 515/281-8760). Copies of all filings with the Board should also be served on counsel.

IOWA BOARD OF PHARMACY EXAMINERS

  
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Lloyd K. Jesser  
Executive Secretary



a period of two (2) years from the approval of this Stipulation and Informal Settlement. During the probationary period the Respondent shall:

a. Obey all federal and state laws and regulations substantially related to the practice of pharmacy.

b. Report to the Board or its designee quarterly. Said report shall be in person or in writing, as directed. The report shall include the Respondent's place of employment, current address, and any further information deemed necessary by the Board from time to time.

c. Provide evidence of efforts to maintain skill and knowledge as a pharmacist through continuing education as directed by the Board.

d. Notify all present and prospective employers of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this document. Within thirty (30) days after the approval of this Stipulations and Informal Settlement, and within fifteen (15) days of Respondent undertaking new employment, Respondent shall cause his employer to report to the Board in writing acknowledging the employer has read this document.

e. Not supervise any registered intern and shall not perform any of the duties of a preceptor.

8. Should Respondent leave Iowa to reside or practice outside this State, Respondent shall notify the Board in writing of the dates of departure and return. Periods of residency or

practice outside the State shall not apply to reduction of the probationary period.

9. Should Respondent violate probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and carry out the stayed suspension. If a petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

10. Within thirty days after approval of this Stipulation and Informal Settlement, Respondent shall pay a civil penalty in the amount of \$500 by delivering a check made payable to the Treasurer of Iowa to the Executive Secretary of the Board. The check shall be deposited into the general fund.

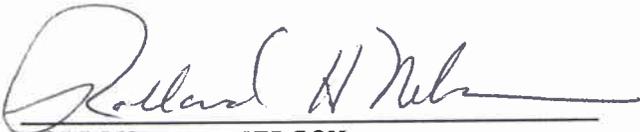
11. Respondent shall take and successfully pass the Iowa Drug Law Exam (IDLE) with a score of 75 percent within one (1) year after approval of this Stipulation and Informal Settlement. Respondent may take the exam a maximum of three (3) times in the one year period. Failure to pass IDLE within the one year period will be grounds to revoke probation and carry out the stayed suspension.

12. Respondent shall, within thirty days after approval of this Stipulation and Informal Settlement, submit for Board approval a written procedure for the filling of prescriptions which includes checks and safeguards to endure that dispensing errors will be minimized.

13. Upon successful completion of probation, Respondent's certificate will be fully restored.

14. This Stipulation and Informal Settlement is subject to approval of the Board. If the Board approves this Stipulation and Informal Settlement, it becomes the final disposition of this matter. If the Board fails to approve this Stipulation and Informal Settlement, it shall be of no force or effect to either party.

15. This Informal Settlement is voluntarily submitted by the Respondent to the Board for its consideration on the 21<sup>st</sup> day of August, 1991.

  
ROLLAND H. NELSON  
Respondent

Signed and sworn to before me this 21<sup>st</sup> day of August,  
1991.

  
NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA

16. This Informal Settlement is accepted by the Iowa Board of Pharmacy Examiners on the 11<sup>th</sup> day of Sept., 1991.

  
MELBA L. SCAGLIONE, Chairperson  
Iowa Board of Pharmacy Examiners