

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

Re:)
Pharmacist License of)
MARY E. NETZEL) **STATEMENT OF CHARGES**
License No. 17697)
Respondent)

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 August 13, 1991, Mary E. Netzel, the Respondent, was issued license number 17697 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 17697 is current and active until June 30, 1997.
5. Respondent currently resides at 2450 E.P. True Parkway #32, West Des Moines, Iowa 50265.
6. Respondent is employed as a staff pharmacist at Walgreens Pharmacy #1198, 4213 Fleur Drive, Des Moines, Iowa 50321.

COUNT I

The Respondent is charged under Iowa Code §§ 155A.12(1) and 155A.12(2) (1995) and 657 Iowa Administrative Code §§ 8.1, 8.5(4), 8.19, 8.20, 9.1(4)(b), 9.1(4)(j), 9.1(4)(u), and 9.1(4)(w) with professional incompetency; failure to effectively utilize patient information; failure to conduct prospective drug use review; and failure to provide

oral patient counseling; all of which resulted in a preventable medication dispensing error.

THE CIRCUMSTANCES

The Board has received investigative information which alleges the following:

1. On October 9, 1995, two prescriptions for a 34-month-old child were telephoned to Walgreen Pharmacy #1198 by a prescriber's agent. Respondent or her staff assistant received and interpreted the prescriptions as: Mysoline® Oral Suspension (Primidone) 250mg per 5ml, 150ml, take one and one-half teaspoonfuls twice a day for ten days; and Dimetane DX, 120ml, take one-half teaspoonful every 4 to 6 hours.

2. The prescription for Mysoline® Oral Suspension was given prescription number 525557-1198. It was processed and verified by Respondent at 10:07 a.m. on October 9, 1995.

3. Both prescriptions were dispensed to the child's mother on October 10, 1995. The mother received *no* oral patient counseling from Respondent, who was then on duty at Walgreens Pharmacy #1198, or any other pharmacist.

4. Later in the day on October 10, 1995, the child was hospitalized following the administration of the first two doses of the Mysoline® Oral Suspension. The dosage of the drug and the patient instructions, as provided by Respondent, caused the child to receive an overdose of Mysoline®. As dispensed, the child received **750mg** of Mysoline® on October 10. The correct dosage to initiate therapy for a child under eight (8) years old is **50mg** per day for the first three days followed by a gradual increase in dosage. The child received *fifteen times* the recommended dosage of Mysoline®.

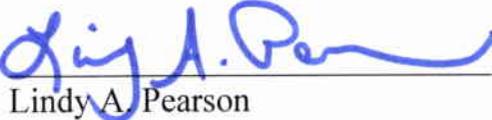
5. On October 11, 1995, the prescriber contacted the Board to report that a dispensing error had occurred at Walgreens Pharmacy #1198. According to the prescriber, he had ordered the drug "Ilosone® Suspension 250mg/5ml" for the child. Ilosone® is an antibiotic which is used to treat infections. Mysoline® is an anticonvulsant drug which is used to control seizures.

6. On October 12, 1995, the child's mother verified that her child had received the drug Mysoline® and had been hospitalized as a result. She also indicated that she did *not* receive any oral patient counseling from Respondent or any other pharmacist at Walgreen Pharmacy #1198.

7. Effective oral patient counseling by Respondent, who was the pharmacist on duty at the time that the child's mother received the medication, could have prevented the error from occurring. Effective prospective drug use review by Respondent, *before* the prescription was filled and dispensed, could also have prevented the error from occurring. By utilizing patient information contained in the patient record (date of birth) and by conducting prospective drug use review, the Respondent could have identified the Mysoline® overdose.

8. In summary, Respondent failed to provide patient counseling at Walgreen's Pharmacy #1198 and failed to perform prospective drug use review by reviewing and assessing patient records at Walgreen's Pharmacy #1198.

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.


Lindy A. Pearson
Chief Investigator

On this 13th 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.


Phyllis A. Olson, Vice 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**

Re: Pharmacist License of
MARY E. NETZEL
License No. 17697
Respondent

**STIPULATION
AND
CONSENT ORDER**

On this 7th day of May, 1996, the Iowa Board of Pharmacy Examiners and Mary E. Netzel, of 2450 E. P. True Parkway #32, West Des Moines, 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 Statement of Charges filed against Respondent on October 13, 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 in Iowa on the 13th day of August, 1991, by examination as evidenced by Pharmacist License Number 17697, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.

2. That Iowa Pharmacist License Number 17697 issued to Respondent is active and current until June 30, 1997.

3. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.

4. A Statement of Charges was filed against Respondent on October 13, 1995.

5. This Stipulation and Consent Order shall not be construed as an admission of liability or wrongdoing by Respondent. It is executed as a compromise settlement of disputed claims.

SECTION I

Respondent's license shall be placed on probation until July 1, 1999, with the following conditions, beginning on the date this Order is accepted by the Board:

1. Within thirty (30) days of the date of approval of this Stipulation and Consent Order by the Board, the Respondent shall submit to the Board, for its approval, a written policy and procedure for documenting, resolving, and preventing medication dispensing errors in the practice of pharmacy. The policy and procedure shall include a written protocol which describes the procedure for Respondent to follow when a dispensing error occurs. The policy and procedure shall also require that all records of Respondent's dispensing errors be consistently and periodically evaluated by the Respondent as part of a cycle of continuous quality improvement. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to this policy and procedure whenever engaging in the practice of pharmacy.

2. Within one (1) year of the date of approval of this Stipulation and Consent Order by the Board, the Respondent shall complete continuing pharmacy education (CPE) or other formal, structured education in medication dispensing errors. The education shall be *not less than* six (6) hours in length and shall be pre-approved by the Board. Documentation of satisfactory completion of the education shall be submitted to the Board. This education is in addition to the thirty (30) hours of continuing pharmacy education required every two years for license renewal.

3. Within one (1) year of the date of approval of this Stipulation and Consent Order by the Board, the Respondent shall complete continuing pharmacy education (CPE) or other formal, structured education in patient counseling. The education shall be *not less than* six (6) hours in length and shall be pre-approved by the Board. Documentation of satisfactory completion of the education shall be submitted to the Board. This education is in addition to the thirty (30) hours of continuing pharmacy education required every two years for license renewal.

4. Between July 1, 1997, and June 30, 1999, the Respondent shall complete all thirty (30) hours of continuing pharmacy education (CPE) required for her July 1, 1999, license renewal in ACPE-approved courses dealing with drug therapy, as defined in 657 Iowa Administrative Code 8.7(4).

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

6. During probation, Respondent shall report to the board or its designee quarterly. Said report shall be in writing. 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.

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

8. Respondent shall 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 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 her pharmacy employer to report to the Board in writing acknowledging that the employer has read this document and understands it.

SECTION II

1. Should Respondent leave Iowa to reside or practice in another state, she shall notify the Board in writing fourteen (14) days prior to her departure and within fourteen (14) days of her return. Periods of residency or practice outside the State of Iowa shall not apply to reduction of the probationary period without prior request to and approval by the Board.

2. Respondent shall fully and promptly comply with all Orders of the Board and the statutes and rules regulating the practice of pharmacy in Iowa. Any violation of the terms of this Order is grounds for further disciplinary action, upon notice and opportunity for hearing, for failure to comply with an Order of the Board, in accordance with Iowa Code section 272C.3(2)(a). If a statement of charges or 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.

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

5. Upon completion of the requirements of Section I, paragraphs 2, 3, and 4, Respondent may apply to the Board for full restoration of Respondent's certificate prior to July 1, 1999.

6. This proposed settlement is subject to approval of a majority of the full Board. If the Board fails to approve this proposed settlement, it shall be of no force or effect to either party. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.

7. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 6th day of May, 1996.



MARY E. NETZEL, R.Ph.
Respondent

Subscribed and Sworn to before me on this 6th day of May, 1996.





NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

8. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 7th day of May, 1996.



PHYLLIS A. OLSON, Chairperson
Iowa Board of Pharmacy Examiners
Executive Hills West
1209 East Court Avenue
Des Moines, Iowa 50319