

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

Re:)
Pharmacist License of)
MASOODE S. NIKSERESHT) **STATEMENT OF CHARGES**
License No. 16878)
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 (1997).
3. On June 16, 1987, the Board issued Respondent, Masoode S. Nikseresht, a license to engage in the practice of pharmacy by license transfer as evidenced by license number 16878, subject to the laws of the State of Iowa and the rules of the Board.
4. License number 16878 is current and active until June 30, 2000.
5. Respondent's current address is 23963 Marian Avenue, Glenwood, Iowa 51534.
6. Respondent is currently employed as the pharmacist in charge at the Medicine Chest Discount Center Inc., 200 Oak Street, Red Oak, IA 51566, and has been employed as such during all times relevant to this statement of charges.

COUNT I

The Respondent is charged under Iowa Code § 155A.12(1) (1999) and 657 Iowa Administrative Code §§ 6.2 & 9.1(4) with allowing an employee who is not a licensed pharmacist to practice pharmacy.

COUNT II

The Respondent is charged under Iowa Code §§ 124.308(3), 124.402(1)(a), 124.403

(1)(c), 155A.15(2)(c), 155A.15(2)(d), and 155A.12(1) (1999) and 657 Iowa Administrative Code §§ 6.2, 6.8, 36.1(4)(u) with failing to provide accountability for certain controlled substances.

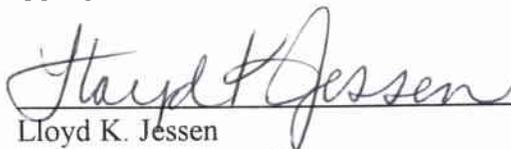
COUNT III

The Respondent is charged under Iowa Code § 155A.12(1) (1999) and 657 Iowa Administrative Code §§ 6.2, 6.6 & 10.10 with failing to provide and maintain effective security, controls, and procedures to guard against the theft and diversion of prescription drugs and controlled substances.

THE CIRCUMSTANCES

1. Respondent is the Pharmacist in Charge at the Medicine Chest Discount Center Inc., 200 Oak Street, Red Oak, IA 51566.
2. On or about March 3, 1999, as part of a Board investigation, a Board investigator observed Anthony Schmid practicing pharmacy at the Medicine Chest pharmacy.
2. Mr. Schmid was not able to produce an Iowa pharmacist license for the investigator when the investigator requested to see his license.
3. Mr. Schmidt admitted to the Board investigator that he did not have an Iowa pharmacist license.
4. A search of the Board's records confirmed that Mr. Schmid does not have a license to practice pharmacy in the State of Iowa.
5. Mr. Schmid informed the Board investigator that he had been asked by a representative of the company that owns the Medicine Chest to work at the pharmacy on March 3, 1999 to cover for another pharmacist.
6. An accountability audit of Schedule III and IV controlled substances at the Medicine Chest pharmacy for the time period beginning between May 1, 1997 and April 30, 1999 revealed multiple shortages of Schedule III and IV controlled drugs.

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 16th day of July, 1999, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.



Arlan D. VanNorman, Chairperson
Iowa Board of Pharmacy Examiners
1209 East Court Avenue
Des Moines, Iowa 50319

cc: Shauna Russell Shields
Assistant Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

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

Re:)	Case No. 99-16878
Pharmacist License of)	
MASOODE S. NIKSERESHT)	STIPULATION
License No. 16878)	AND
Respondent)	CONSENT ORDER

COME NOW the Iowa Board of Pharmacy Examiners ("the Board") and Masoode S. Nikseresht, R.Ph. ("Respondent") and, pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (1999), enter into the following Stipulation and Consent Order settling the contested case currently on file.

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 July 16, 1999, 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 16th day of June, 1987, by examination as evidenced by Pharmacist License Number 16878, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacist License Number 16878, issued to and held by Respondent is active and current until June 30, 2000.

3. Respondent is currently employed as the pharmacist in charge at the Medicine Chest Discount Center Inc., 200 Oak Street, Red Oak, Iowa 51566.
4. A Statement of Charges was filed against Respondent on July 16, 1999.
5. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.
6. This Stipulation and Consent Order is entered into in order to resolve disputed claims and constitutes no admission on the part of the Respondent.
7. Respondent shall pay a civil penalty of \$750.00 within 30 days of the date of approval of this Stipulation and Consent Order by the Board. Respondent shall deliver a check made payable to the Treasurer of the State of Iowa to the Executive Secretary/Director of the Board. The check shall be deposited into the general fund of the State of Iowa.
8. Respondent's license shall be placed on probation for two (2) years, with the following conditions, beginning on the date this Stipulation and Consent Order is accepted by the Board:
 - a. Within sixty (60) days of the date of approval of this Stipulation and Consent Order by the Board, the Respondent will provide his *typewritten* policies and procedures for the following: (a) maintaining accountability for controlled substances, (b) providing and maintaining effective security, controls, and procedures to guard against the theft and diversion of prescription drugs and controlled substances, and (c) ensuring that all pharmacists employed by the Respondent's pharmacy obtain and maintain

an active and current Iowa pharmacist license. The typewritten policies and procedures shall relate to Respondent's practice of pharmacy in his current work setting as the pharmacist in charge of the Medicine Chest Discount Center. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to these policies and procedures whenever engaging in the practice of pharmacy. In the event the Respondent becomes the pharmacist in charge at another pharmacy, the Respondent agrees to implement similar policies and procedures for maintaining security and accountability of controlled substances. Respondent further acknowledges and understands that maintaining security of controlled substances in the pharmacy is the responsibility of the pharmacist in charge.

- b. Within six (6) months 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 maintaining security of controlled substances. 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.
- c. 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.
- d. 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. The reports shall be filed not later than December 5, 1999, March 5, 2000, June 5, 2000, September 5, 2000; December 5, 2000, March 5, 2001, June 5, 2001, and September 5, 2001.
9. The Respondent may apply to the Board for modification of the provisions of Respondent's probation, including termination of the probation, after Respondent has successfully completed one year of probation. Respondent understands that the determination of whether to modify or terminate his probation will remain in the Board's discretion.
10. The Respondent shall obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy.
11. During Respondent's probation, Respondent shall notify all present employers and prospective employers (no later than at the time of an interview), including the pharmacist-in-charge, 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 his pharmacy employer and the pharmacist-in-charge that 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.

- 12. Should 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 the Respondent's Iowa pharmacist license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A and 657 IAC 36.1.
- 13. 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.
- 14. 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 party. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.
- 15. The Board's approval of this Stipulation and Consent Order shall constitute a **FINAL ORDER** of the Board in a disciplinary action.

16. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 11 day of Nov. 11, 1999.

Masood S. Nikseresht
Masood S. Nikseresht, R.Ph.
Respondent

Subscribed and sworn to before me by Masood S. Nikseresht on this 11 day of November, 1999.

Mary Anderson
NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

7. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 16th day of Nov., 1999.

Arlan D. Van Norman
ARLAN D. VAN NORMAN, Chairperson
Iowa Board of Pharmacy Examiners
Executive Hills West
1209 East Court Avenue
Des Moines, Iowa 50319

cc: Shauna Russell Shields
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

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

.....

IN THE MATTER OF THE DISCIPLINARY ACTION
AGAINST
MASOODE S. NIKSERESHT, RESPONDENT

IOWA PHARMACIST LICENSE # 16878

.....

ORDER TERMINATING PROBATION

.....

NOW ON November 14, 2000, BE IT REMEMBERED:

1. That on July 16, 1999, the Board issued a Statement of Charges to Respondent, charging him with allowing an employee who was not an Iowa-licensed pharmacist to practice pharmacy; with failing to provide accountability for certain Schedule III and IV controlled substances; and with failing to provide and maintain effective security, controls, and procedures to guard against the theft and diversion of prescription drugs and controlled substances.
2. That on November 16, 1999, the Board approved a Stipulation and Consent Order for Respondent in which Respondent's license was placed on probation with conditions until November 16, 2001.
3. That on November 14, 2000, Respondent appeared before the Board to request termination of his probation.
4. That on November 14, 2000, the Board considered the Respondent's request and voted to authorize the termination of the probation placed upon his license to practice pharmacy effective November 16, 2000.

IT IS HEREBY ORDERED:

That on November 16, 2000, the probation placed upon the Respondent's license to practice pharmacy in Iowa is terminated and the license is returned to its full privileges free and clear of all restrictions.



Matthew C. Osterhaus

Board Chairperson

IOWA BOARD OF PHARMACY EXAMINERS

RiverPoint Business Park, 400 SW 8th Street, Suite E

Des Moines, Iowa 50309-4688