

**BEFORE THE IOWA BOARD OF PHARMACY**

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Re: ) Pharmacy License of ) <b>NO FRILLS PHARMACY #1</b> ) License No. 1097 ) Respondent. )	Case No. 2011-47-A  <b>STATEMENT OF CHARGES</b>
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**COMES NOW**, the Complainant, Lloyd K. Jessen, and states:

1. He is the Executive Director for the Iowa Board of Pharmacy 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 (2011).
3. On December 9, 2010, the Board renewed Respondent's general pharmacy license number 1097 for No Frills #1 (hereinafter, "Respondent"), allowing Respondent to engage in the operation of a pharmacy subject to the laws of the State of Iowa and the rules of the Board.
4. General pharmacy license number 1097 was cancelled by Respondent on May 2, 2011 by a letter. The pharmacy had closed April 30, 2011.
5. At all times material to this statement of charges, Respondent was operating a general pharmacy at 1817 West Broadway, Council Bluffs, Iowa, with Julie McPhillips as the pharmacist in charge.

**A. CHARGES**

**COUNT I – FAILURE TO GIVE NOTICE OF CLOSURE TO BOARD**

Respondent is charged under Iowa Code §§ 155A.15(2)(c) and 155A.19(1)(a) (2011), and 657 Iowa Administrative Code § 8.35(7), with failing to give two weeks prior notice to the Board of Respondent's intention to close a pharmacy.

**COUNT II – FAILURE TO GIVE NOTICE OF CLOSURE TO PATIENTS**

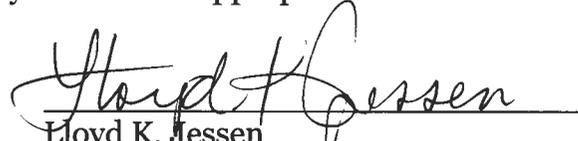
Respondent is charged under Iowa Code §§ 155A.15(2)(c) (2009), and 657 Iowa Administrative Code § 8.35(7)(b), with failing to give at least two weeks prior notice to patients of Respondent's intention to close a pharmacy.

## B. CIRCUMSTANCES

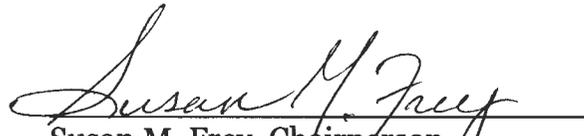
On or about April 28, 2011, an investigation commenced which revealed the following:

1. At all times material to this statement of charges, Respondent operated a general pharmacy located at 1817 West Broadway, Council Bluffs, Iowa with Julie McPhillips as the pharmacist in charge.
2. On April 28, 2011, the Board received an email notification that Respondent would be permanently closing two days later, on April 30, 2011.
3. On May 9, 2011, the Board received a letter from Respondent's pharmacist in charge, confirming that the pharmacy closed on April 30, 2011, as planned.
4. The notice of closure mailed to patients was dated April 20, 2011.

**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 7<sup>th</sup> day of March 2012, 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, Chairperson  
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