

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2011-47-B
Pharmacy License of)	
NO FRILLS PHARMACY #6)	STATEMENT OF CHARGES
License No. 1007)	
Respondent.)	

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 1007 for No Frills #6 (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 1007 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 1801 Valley View Drive, Council Bluffs, Iowa, with Anne L. Starr 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

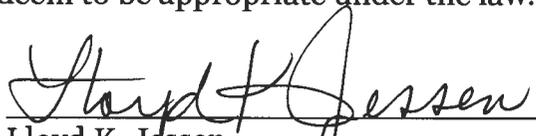
Respondent is charged under Iowa Code §§ 155A.15(2)(c) (2009), and 657 Iowa Administrative Code § 8.35(7)(b), with failing to give at least two weeks prior notice to patients of Respondent's intention to close a pharmacy.

B. CIRCUMSTANCES

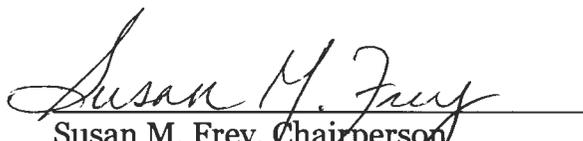
On or about April 28, 2011, an investigation commenced which revealed the following:

1. At all times material to this statement of charges, Respondent operated a general pharmacy located at 1801 Valley View Drive, Council Bluffs, Iowa, with Anne L. Starr 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 7th 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
Iowa Board of Pharmacy
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck
Assistant Attorney General
Hoover State Office Building
Des Moines, IA 50319

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BEFORE THE IOWA BOARD OF PHARMACY

Re:) Case No. 2011-47
Pharmacy License of)
NO FRILLS PHARMACY #6,) **STIPULATION**
License No. 1007,) **AND**
Respondent.) **CONSENT ORDER**
)

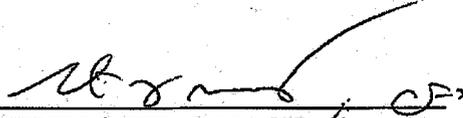
Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011), the Iowa Board of Pharmacy (hereinafter, "Board") and No Frills Pharmacy #6 (hereinafter, "Respondent") have agreed to settle a contested case currently on file with the Board. The Statement of Charges filed against Respondent on March 7, 2012 shall be resolved without a hearing, as the Board and Respondent stipulate to the following:

1. Respondent's license to operate a general pharmacy in Iowa was evidenced by Pharmacy License Number 1007, recorded in the permanent records of the Board.
2. Respondent returned Pharmacy License Number 1007 to the Board on May 9, 2011.
3. The Board has jurisdiction over the parties and the subject matter herein.
4. A Statement of Charges was filed against Respondent on March 7, 2012. The Statement of Charges asserts that Respondent closed its pharmacy without adequate notice to the Board and pharmacy patients.
5. Respondent has chosen not to contest the allegations contained in the Statement of Charges. Respondent acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline described herein.

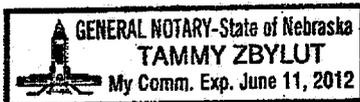
6. Upon the Board's approval of this Stipulation and Consent Order, Respondent shall be assessed a civil penalty in the amount of \$2500. The civil penalty payment shall be made by check, payable to the Treasurer of Iowa and mailed to the executive director of the Board within 10 days after Respondent's receipt of notice of the Board's approval of this Stipulation and Consent Order. All civil penalty payments shall be deposited into the State of Iowa general fund. Upon the Board's receipt of the civil penalty, this disciplinary proceeding shall be concluded without further order of the Board.
7. Should Respondent violate or fail to comply with any of the terms or conditions of this Stipulation and Consent Order, the Board may initiate further action to impose licensee discipline as authorized by Iowa Code chapters 272C and 155A (2011), and 657 Iowa Administrative Code § 36.1.
8. 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.
9. 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.
10. The State's counsel may present this Stipulation and Consent Order to the Board.
11. The Board's approval of this Stipulation and Consent Order shall

constitute a FINAL ORDER of the Board in a disciplinary proceeding.

This Stipulation and Consent Order is voluntarily submitted by No Frills Pharmacy #6 to the Iowa Board of Pharmacy for its consideration on this 6th day of April 2012.

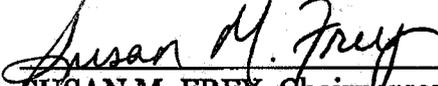

NO FRILLS PHARMACY #6
Respondent
By Steven J. Moskowitz

Subscribed and sworn to before me by Steven J. Moskowitz who has stated to me that he/she is authorized to sign this Stipulation and Consent Order on behalf of No Frills Pharmacy #6 on this 6th day of April 2012.




NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA Nebraska

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on this 27th day of April 2012.


SUSAN M. FREY, Chairperson
Iowa Board of Pharmacy
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

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