

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

Re:)
Pharmacy License of)
NORWALK PHARMACY) **STATEMENT OF CHARGES**
License No. 776)
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. General pharmacy license number 776, issued in the name of Norwalk Pharmacy, is current until December 31, 1998.
4. Howard D. Klobnak is currently self-employed as the owner and pharmacist in charge of Norwalk Pharmacy and has been employed as such during all times relevant to this statement of charges.
5. Respondent currently operates a general pharmacy at 1039 Sunset Drive, Norwalk, Iowa 50211.

COUNT I

The Respondent is charged under Iowa Code § 155A.15(2)(c) (1997) and 657 Iowa Administrative Code §§ 9.1(4)(c), 9.1(4)(j), and 9.1(4)(u) with engaging in a practice harmful to the public by failing to prevent a medication dispensing error on or about August 10, 1998.

COUNT II

The Respondent is charged with allowing an employee to function as a pharmacy technician without obtaining an Iowa pharmacy technician registration in violation of 1997 Iowa Code §§ 155A.6(6) and 155A.15(2)(c) and 657 Iowa Administrative Code Sections 9.1(4)(j), 9.1(4)(u), and 22.4.

COUNT III

The Respondent is charged with failure to remove and quarantine all outdated prescription drugs from dispensing stock at Norwalk Pharmacy in violation of 1997 Iowa Code § 155A.15(2)(c) and 657 Iowa Administrative Code Section 6.7(3)(b).

COUNT IV

The Respondent is charged under Iowa Code Section 155A.15(2)(c) (1997) and 657 Iowa Administrative Code Sections 6.5(2) and 9.1(4)(b)(4) with failing to maintain the prescription department at the Norwalk Pharmacy in an orderly and sanitary condition.

THE CIRCUMSTANCES

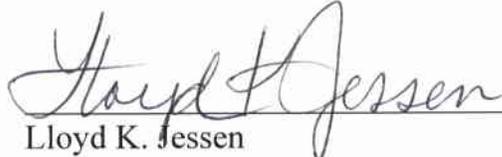
1. On September 10, 1998, the Board investigated a complaint which alleges that Respondent made a dispensing error when filling a prescription for Atenolol 25mg for patient "Jane Doe" on August 10, 1998. The patient received Atenolol 50mg in error. The pharmacist in charge, Howard D. Klobnak, has stated that he was on duty when the error occurred but does not recall how the dispensing error happened.

2. During the course of the investigation on September 10, 1998, it was observed that Kevin E. Klobnak has been continuously employed as a pharmacy technician at Norwalk Pharmacy since before January 1, 1998, without an Iowa pharmacy technician registration. Since January 1, 1998, the board of pharmacy examiners has required that all pharmacy technicians be registered with the board.

3. During the course of the investigation on September 10, 1998, approximately 286 outdated prescription drugs were found in the dispensing stock of the prescription department of Norwalk Pharmacy. In addition, there was evidence that an outdated prescription drug, Folic Acid 1mg, had been dispensed to patient "John Doe" on or about September 2, 1998. In a routine pharmacy inspection conducted on February 24, 1998, Respondent was advised by a board inspector that "all outdated drugs must be removed from the dispensing area and quarantined."

4. During the course of the investigation on September 10, 1998, it was observed that the prescription department of Norwalk Pharmacy was disorderly and unsanitary.

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 September, 1998, 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. Van Norman, Chairperson
Iowa Board of Pharmacy Examiners
Executive Hills West
1209 East Court Avenue
Des Moines, Iowa 50319

cc: Linny Emrich
Assistant Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

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

Re:	}	
Pharmacy License of	}	
NORWALK PHARMACY	}	STIPULATION
License No. 776	}	AND
Howard D. Klobnak,	}	CONSENT ORDER
Pharmacist in charge,	}	
Respondent	}	

On this 24 day of November, 1998, the Iowa Board of Pharmacy Examiners and Norwalk Pharmacy of Norwalk, 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 September 16, 1998, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That Respondent's license to operate a pharmacy was renewed on the 9th day of December, 1997, as evidenced by General Pharmacy License Number 776, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That General Pharmacy License Number 776 issued to and currently held by Respondent is current and in full force until December 31, 1998.
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 September 16, 1998.

5. This Stipulation and Consent Order is entered into in order to resolve a disputed claim and constitutes no admission on the part of Respondent.

SECTION I

THEREFORE, IT IS HEREBY AGREED that Iowa General Pharmacy License Number 776 issued to Respondent is placed on probation for three (3) years. During the probationary period the Respondent shall obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy and the distribution of controlled substances and comply with the provisions of Section II.

SECTION II

1. Within thirty (30) days of the date of this Order, the Respondent shall pay a civil penalty of \$500.00 by delivering 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.

2. Within sixty (60) days of the date of approval of this Stipulation and Consent Order by the Board, the Respondent will provide its written policies and procedures for the following: (a) preventing medication dispensing errors, (b) employing pharmacy technicians, (c) handling outdated prescription drugs, and (d) maintaining the prescription department in an orderly and sanitary condition. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to these policies and procedures.

3. The Respondent shall comply with all of the requirements contained in 657 Iowa Administrative Code chapter 6, "General Pharmacy Licenses," which became effective on November 12, 1997.

4. Respondent shall submit to random unannounced visits or inspections by the Board or agents of the Board to verify compliance with this Stipulation and Consent Order.

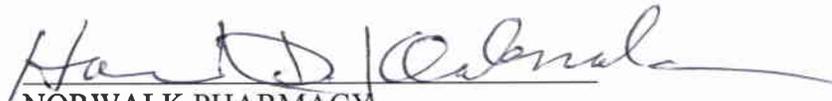
5. Respondent shall fully and promptly comply with all Orders of the Board and the statutes and rules regulating the practice of pharmacy in Iowa. Any violation of the terms of this Order is grounds for further disciplinary action, upon notice and opportunity for hearing, for failure to comply with an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

6. Should Respondent violate probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and impose additional disciplinary sanctions, including the revocation of Respondent's license to operate a pharmacy. 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.

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

8. This Stipulation and Consent Order is subject to approval of a majority of the full Board. If the Board fails to approve this Stipulation and Consent Order, 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.

9. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 27th day of October, 1998.


NORWALK PHARMACY
Howard D. Klobnak, R.Ph.,
Pharmacist in charge,
Respondent

Subscribed and Sworn to before me on this 27th day of October, 1998.


NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

10. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 24 day of November, 1998.


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