

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

Re:)
Pharmacy License of)
OSCO DRUG, #532) **STATEMENT OF CHARGES**
License No. 676)
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 December 22, 1998, the Board renewed Respondent's general pharmacy license number 676 with Gregory G. Frommelt as pharmacist in charge, allowing Respondent to engage in the operation of pharmacy subject to the laws of the State of Iowa and the rules of the Board.
4. General pharmacy license number 676 is current until December 31, 1999.
5. Respondent is currently operating a general pharmacy at 3151 SE 14th St., Des Moines, Iowa 50320, with Gregory G. Frommelt as the pharmacist in charge.

COUNT I

The Respondent is charged under Iowa Code § 155A.15(2) (1997) and 657 Iowa Administrative Code §§ 6.2(2) & 9.1(4) with failure to employ sufficient number of personnel, including licensed pharmacists, as required to operate the pharmacy competently, safely, legally, and adequately to meet the needs of the patients of the pharmacy.

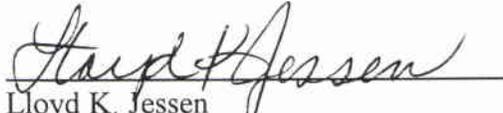
COUNT II

The Respondent is charged under Iowa Code § 155A.15(2)(c) (1997) and 657 Iowa Administrative Code §§ 6.2(1)(a) & (b), 8.20, 9.1(4)(b)(4) with failure to ensure that its pharmacists provide adequate patient counseling as specified in rule 657 Iowa Administrative Code § 8.20.

THE CIRCUMSTANCES

1. On September 28, 1998, the Board received a complaint about a dispensing error that had occurred at Respondent's pharmacy on or about September 22, 1998.
2. The Board's investigation of the dispensing error referred to in Paragraph 1 indicated that a non-pharmacy cashier was running the cash register in the pharmacy at the time the prescription was picked up because the pharmacy was very busy.
3. Because the non-pharmacy cashier did not have much experience in the pharmacy, she gave a prescription for Amoxicillin to a customer before it had been reconstituted.
4. The non-pharmacy cashier also did not call a pharmacist to counsel the patient when she gave out the prescription.
5. Proper patient counseling might have prevented the dispensing error referred to in Paragraph 1.
6. On December 28, 1998, the Board received a complaint about another dispensing error that had occurred at Respondent's pharmacy on or about December 23, 1998.
7. The Board's investigation of the dispensing error referred to above revealed that the Respondent's pharmacy is not adequately staffed to safely and legally handle the average volume of prescriptions filled by the pharmacy.
8. During the Board's investigation of the dispensing error referred to in Paragraph 1, Gregory G. Frommelt, pharmacist in charge, indicated that Respondent's policies and procedures for patient counseling call for the technicians to make the offer to counsel on every new prescription.
9. Respondent's policies and procedures for counseling do not meet the requirements for patient counseling set forth in the Board's rule, 657 Iowa Administrative Code § 8.20 which requires a pharmacist to counsel each patient or patient's caregiver upon receipt of a new prescription drug order.

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 14 day of April, 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: Pharmacy License of	}	
OSCO DRUG # 532	}	STIPULATION
License No. 676	}	AND
Respondent	}	CONSENT ORDER
	}	

On this 16th day of July, 1999, the Iowa Board of Pharmacy Examiners and Osco Drug # 532, 3151 S.E. 14th Street, Des Moines, Iowa 50320, 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 April 14, 1999, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That on December 22, 1998, the Iowa Board of Pharmacy Examiners renewed Respondent's Iowa General Pharmacy License Number 676, 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.
2. That Iowa General Pharmacy License Number 676 issued to Respondent is active and current until December 31, 1999.
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 April 14, 1999.

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

6. Respondent's license shall be placed on probation for six (6) months, 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 shall develop and submit to the Board, for its approval, a written policy and procedure for preventing medication dispensing errors. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to this policy and procedure.

b. Within sixty (60) days of the date of approval of this Stipulation and Consent Order by the Board, the Respondent shall develop and submit to the Board, for its approval, a written policy and procedure for ensuring that pharmacists employed by Respondent provide adequate patient counseling. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to this policy and procedure.

c. 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 ensuring that a sufficient number of personnel are employed, including Iowa-licensed pharmacists, for Respondent to operate its pharmacy competently, safely, legally, and adequately to meet the needs of the patients of the pharmacy. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to these policies and procedures.

d. Respondent shall file sworn quarterly reports with the Board attesting to his compliance with all the terms and conditions of this Stipulation and Consent Order. The reports shall be filed not later than September 5, December 5, March 5, and June 5 of each year of the Respondent's probation. The quarterly reports shall identify the current

pharmacist in charge and all staff pharmacists and any further information deemed necessary by the Board from time to time. Respondent's first quarterly report shall be filed with the Board not later than September 5, 1999.

7. Respondent shall pay a civil penalty of \$1,000.00 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. The Respondent shall comply with all of the requirements contained in 657 Iowa Administrative Code chapter 6, "General Pharmacy Licenses," and shall obey all other federal and state laws, rules, and regulations substantially related to the practice of pharmacy.

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

10. 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).

11. 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.

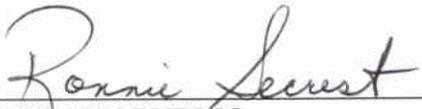
12. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 6 day of JULY, 1999.



American Drug Stores
d.b.a. Osco Drug # 532
Respondent

Subscribed and Sworn to before me on this 6th day of July, 1999.





NOTARY PUBLIC

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



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