

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

Re:)	COMPLAINT
Pharmacist License of)	AND STATEMENT
KATHRYN A. PALMER)	OF CHARGES
License No. 15769)	AND
Respondent)	NOTICE
)	OF HEARING

COMES NOW, Lloyd K. Jessen, Executive Secretary-Director of the Iowa Board of Pharmacy Examiners, on the 5th day of October, 1993, and files this Complaint and Statement of Charges and Notice of Hearing against Kathryn A. Palmer, a pharmacist licensed pursuant to Iowa Code chapter 155A, and alleges that:

1. Marian L. Roberts, Chairperson; Phyllis A. Olson, Vice Chairperson; Phyllis A. Miller; Mary Pat Mitchell; Matthew C. Osterhaus; and Arlan D. Van Norman are duly appointed, qualified members of the Iowa Board of Pharmacy Examiners.
2. Respondent was issued a license to practice pharmacy in Iowa on July 24, 1980, by examination.
3. Respondent was also licensed to practice pharmacy in the state of Wisconsin (license number 10890) on December 16, 1986.

4. Respondent currently resides at 2239 Glendalen North, Mosinee, Wisconsin 54455.

5. Respondent's license to practice pharmacy in Iowa is current until June 30, 1995.

6. On April 26, 1993, the Board received certified copies of a Stipulation and a Final Decision and Order, titled In the Matter of Disciplinary Proceedings Against Medi-Save Pharmacy and Kathryn A. Palmer R.Ph., No. 91-PHM-027, from the Wisconsin Pharmacy Examining Board.

a. The Stipulation dated January 4, 1993, provides, in part, the following:

...4. Respondents agree to the adoption of the attached Final Decision and Order by the Pharmacy Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondents waive all rights to any appeal of the Board's order, if adopted in the form as attached.

b. The Final Decision and Order dated January 12, 1993, provides, in part, the following:

...FINDINGS OF FACT:...4. An audit conducted May 1, 1991, by the Division of Enforcement revealed that on multiple occasions Schedule II controlled substances were dispensed to nursing home patients without a written prescription order signed by the prescriber, in other than an emergency situation.

....

ORDER:...2. Medi-Save Pharmacy, Schofield, Wisconsin, and Kathryn A. Palmer, R.Ph., are each **REPRIMANDED** for their unprofessional conduct in this matter.

3. Kathryn A. Palmer shall, within 60 days of the date of this Order successfully complete and pass the Wisconsin Pharmacy Jurisprudence Examination...

4. Respondents shall each pay a civil forfeiture in the sum of \$250.00...

5. Respondents shall pay the costs of the investigation and prosecution of this matter...in the sum of \$250.00 within 60 days of the date of this Order.

7. As evidenced in the Stipulation and Final Decision and Order of the Wisconsin Pharmacy Examining Board, Respondent's license to practice pharmacy in Wisconsin was disciplined effective January 12, 1993.

8. A copy of the Wisconsin Board's Final Decision and Order is attached hereto as Exhibit 1 and is incorporated by reference into the Complaint and Statement of Charges and Notice of Hearing as if fully set forth herein.

9. Respondent failed to report to the Board that disciplinary action had been taken by the Wisconsin Pharmacy Examining Board against her Wisconsin pharmacist license number 10890.

10. Respondent is guilty of violations of 1993 Iowa Code sections 155A.12(1), 155A.12(8), 155A.12(10) by virtue of the allegations contained in paragraphs 6, 7, 8, and 9.

1993 Iowa Code section 155A.12 provides, in part, the following:

...The board may refuse to issue or renew a license or may impose a fine, issue a reprimand, or revoke, restrict, cancel, or suspend a license, and may

place a licensee on probation, if the board finds that the applicant or licensee has done any of the following:

1. Violated any provision of their chapter or any rules of the board adopted under their chapter.

....

8. Violated the pharmacy or drug laws or rules of any other state of the United States while under the other state's jurisdiction.

....

10. Had a license to practice pharmacy issued by another state canceled, revoked, or suspended for conduct substantially equivalent to conduct described in subsections 1 through 9. A certified copy of the record of the state taking action as set out above shall be conclusive evidence of the action taken by such state.

11. Respondent is guilty of violations of 657 Iowa Administrative Code sections 9.1(4)(j), 9.1(4)(k), and 9.1(4)(u) by virtue of the allegations contained in paragraphs 6, 7, 8, and 9.

657 Iowa Administrative Code section 9.1(4) provides, in part, the following:

The board may impose any of the disciplinary sanctions set out in subrule 9.1(2), including civil penalties in an amount not to exceed \$25,000, when the board determines that the licensee or registrant is guilty of the following acts or offenses:...

j. Violating a statute or law of their state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, which statute or law relates to the practice of pharmacy.

....

k. Failure to report a license revocation, suspension or other disciplinary action taken by another state, territory or country.

....

u. Violating any of the grounds for revocation or suspension of a license listed in Iowa Code sections 147.55, 155A.12 and 155A.15.

The Iowa Board of Pharmacy Examiners finds that paragraphs 10 and 11 constitute grounds for which Respondent's license to practice pharmacy in Iowa can be disciplined.

WHEREFORE, the undersigned charges that Respondent has violated 1993 Iowa Code sections 155A.12(1), 155A.12(8), and 155A.12(10) and 657 Iowa Administrative Code sections 9.1(4)(j), 9.1(4)(k), and 9.1(4)(u).

IT IS HEREBY ORDERED, pursuant to Iowa Code section 17A.12 and 657 Iowa Administrative Code section 1.2, that Kathryn A. Palmer appear before the Iowa Board of Pharmacy Examiners on Tuesday, January 11, 1994, at 1:00 p.m., in the second floor conference room, 1209 East Court Avenue, Executive Hills West, Capitol Complex, Des Moines, Iowa.

The undersigned further asks that upon final hearing the Board enter its findings of fact and decision to discipline the license to practice pharmacy issued to Kathryn A. Palmer on July 24, 1980, and take whatever additional action that they deem necessary and appropriate.

Respondent may bring counsel to the hearing, may cross-examine any witnesses, and may call witnesses of her own. If

Respondent fails to appear and defend, Iowa Code section 17A.12(3) provides that the hearing may proceed and that a decision may be rendered. The failure of Respondent to appear could result in the permanent suspension or revocation of her license.

The hearing will be presided over by the Board which will be assisted by an administrative law judge from the Iowa Department of Inspections and Appeals. The office of the Attorney General is responsible for the public interest in these proceedings. Information regarding the hearing may be obtained from Theresa O'Connell Weeg, Assistant Attorney General, Hoover Building, Capitol Complex, Des Moines, Iowa 50319 (telephone 515/281-6858). Copies of all filings with the Board should also be served on counsel.

IOWA BOARD OF PHARMACY EXAMINERS

A handwritten signature in cursive script, appearing to read "Lloyd K. Jessen", written over a horizontal line.

Lloyd K. Jessen
Executive Secretary/Director

Iowa Board of Pharmacy Examiners
Exhibit 1

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
MEDI-SAVE PHARMACY, and, : 91 PHM 027
KATHRYN A. PALMER, R.Ph., :
RESPONDENTS. :

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Medi-Save Pharmacy
908 Grand Avenue
Schofield, WI 54476

Kathryn A. Palmer, R.Ph.
2239 Glendalen North
Mosinee, WI 54455

Pharmacy Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Kathryn A. Palmer (D.O.B. 12/08/56) is duly licensed in the state of Wisconsin as a pharmacist (license #10890). This license was first granted on December 16, 1986.

2. Ms. Palmer's latest address on file with the Department of Regulation and Licensing is 2239 Glendalen North, Mosinee, WI 54455.

3. Medi-Save Pharmacy is duly licensed in the State of Wisconsin as a pharmacy (license # 7115). This license was first granted September 27, 1990. The latest address of the pharmacy on file with the Department of Regulation and Licensing is 908 Grand Avenue, Schofield, WI 54476. At all times relevant to this action, Kathryn A. Palmer was the managing pharmacist of Medi-Save Pharmacy.

4. An audit conducted May 1, 1991 by the Division of Enforcement revealed that on multiple occasions Schedule II controlled substances were dispensed to nursing home patients without a written prescription order signed by the prescriber, in other than an emergency situation.

CONCLUSIONS OF LAW

By the conduct described above, Medi-Save Pharmacy and Kathryn A. Palmer are subject to disciplinary action against their license to practice pharmacy in the state of Wisconsin, pursuant to Wis. Stats. sec. 161.38(1) and 450.10(1)(a)2 and 6, and Wis. Adm. Code sec. Phar 8.05(2) and (4).

The Wisconsin Pharmacy Examining Board has jurisdiction to act in this matter pursuant to Wis. Stats. sec. 450.10(1).

The Board is authorized to enter into the attached Stipulation pursuant to Wis. Stats. sec. 227.44(5).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that :

1. The attached stipulation is accepted.
2. Medi-Save Pharmacy, Schofield, Wisconsin, and Kathryn A. Palmer, R.Ph. are each REPRIMANDED for their unprofessional conduct in this matter.
3. Kathryn A. Palmer shall, within 60 days of the date of this Order successfully complete and pass the Wisconsin Pharmacy Jurisprudence Examination (which may, at Respondent's option be taken through the PLATO professional development center. Only two attempts during this period shall be permitted). Examination results shall be reported directly to the Board. In

the event Respondent fails to receive a passing score on the examination, her license to practice pharmacy shall, without further action of the Board, be LIMITED in that she shall not act as the managing pharmacist of any pharmacy until she has successfully completed and passed both the Federal Drug Law Examination and the Wisconsin Pharmacy Jurisprudence Examination. Upon proof of passing the examinations, the staff of the Department shall notify Respondent and the limitation shall be removed without further formal action of the Board.

4. Respondents shall each pay a civil forfeiture in the sum of \$ 250.00 to the Department of Regulation and Licensing within 20 days of the date of this Order.

5. Respondents shall pay the costs of the investigation and prosecution of this matter to the Department of Regulation and Licensing in the sum of \$250.00 within 60 days of the date of this Order.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

This Order shall become effective upon the date of its signing.

WISCONSIN PHARMACY EXAMINING BOARD

By: Charles H. Dunkel
a member of the Board

1-12-93
Date

jwh

STATE OF WISCONSIN
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
MEDI-SAVE PHARMACY, and,	:	91 PHM 027
KATHRYN A. PALMER, R.Ph.,	:	
RESPONDENTS	:	

It is hereby stipulated between Medi-Save Pharmacy by its duly authorized representative, Kathryn A. Palmer, personally on her own behalf and James W. Harris, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Respondents' licensure by the Division of Enforcement. Respondents consent to the resolution of this investigation by stipulation and without the issuance of a formal complaint. -

2. Respondents understand that by the signing of this Stipulation they voluntarily and knowingly waive their rights, including: the right to a hearing on the allegations against them, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against them; the right to call witnesses on their behalf and to compel their attendance by subpoena; the right to testify themselves; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to them under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondents are aware of their right to seek legal representation and have been provided the opportunity to seek legal advice prior to signing this stipulation.

4. Respondents agree to the adoption of the attached Final Decision and Order by the Pharmacy Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondents waive all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

. The parties to this stipulation agree that the attorney for the Division of Enforcement may appear before the Pharmacy Examining Board for the purpose of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberation concerning this matter.

The Division of Enforcement joins Respondents in recommending that the Pharmacy Examining Board adopt this Stipulation and issue the attached Final Decision and Order.

Medisave Pharmacy 12/23/92
Medi-Save Pharmacy, By: Kathryn Palmer Date

Kathryn Palmer 12/23/92
Kathryn A. Palmer Date

James W. Harris 1/4/93
James W. Harris, Attorney Date
Division of Enforcement

jwh

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

APR 13 1994

IOWA PHARMACY EXAMINERS

Re: Pharmacist License of : **STIPULATION**
KATHRYN A. PALMER : **AND**
License No. 15769 : **INFORMAL SETTLEMENT**
Respondent :

COMES NOW the Iowa Board of Pharmacy Examiners (the Board) and Kathryn A. Palmer, R.Ph., (Respondent) and, pursuant to Iowa Code sections 17A.10 and 272C.3(4), enter into the following Stipulation and Informal Settlement of the contested case currently on file:

1. Respondent was issued a license to practice pharmacy in Iowa on July 24, 1980, by examination.

2. Respondent's license to practice pharmacy in Iowa is current until June 30, 1995.

3. Respondent's current address is 2239 Glendalen North, Mosinee, Wisconsin 54455.

4. A Complaint and Statement of Charges and Notice of Hearing was filed against Respondent on October 5, 1993.

5. The Board has jurisdiction of the parties and the subject matter.

6. Respondent does not contest the allegations set forth in the complaint and agrees that the Board may treat the allegations as true.

7. Respondent agrees to accept a citation and warning concerning the dispensing of Schedule II controlled substances to nursing home patients in Wisconsin without proper authorization and documentation.

8. This Stipulation and Informal Settlement is subject to approval of the Board. If the Board approves this Stipulation and Informal Settlement, it becomes the final disposition of this matter. If the Board fails to approve this Stipulation and Informal Settlement, it shall be of no force or effect to either party.

9. This Informal Settlement is voluntarily submitted by the Respondent to the Board for its consideration on the 11th day of April, 1994.

Kathryn A. Palmer

KATHRYN A. PALMER
Respondent



Signed and sworn to before me this 12th day of _____, 1994.

Susan K. Jansin
NOTARY PUBLIC IN AND FOR THE
STATE OF WISCONSIN

10. This Informal Settlement is accepted by the Iowa Board of Pharmacy Examiners on the 19 day of April, 1994.

Marian L. Roberts
MARIAN L. ROBERTS, Chairperson
Iowa Board of Pharmacy Examiners