

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

Re:)
Pharmacist License of)
DAVID W. PERSINGER) **STATEMENT OF CHARGES**
License No. 16490)
Respondent)

COMES NOW, the Complainant, Lindy A. Pearson, and states:

1. She is the Chief Investigator for the Iowa Board of Pharmacy Examiners and files this Statement of Charges solely in her official capacity.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 155A and 272C (1995).
3. On July 27, 1984, David W. Persinger, the Respondent, was issued license number 16490 by the Board to engage in the practice of pharmacy, subject to the laws of the State of Iowa and the rules of the Board.
4. License number 16490 is current and active until June 30, 1996.
5. Respondent currently resides at 605 55th Street, West Des Moines, Iowa 50266.
6. Respondent is employed as the pharmacist in charge of Walgreens Pharmacy #1198, 4213 Fleur Drive, Des Moines, Iowa 50321.

COUNT I

The Respondent is charged under Iowa Code §§ 155A.12(1) and 155A.12(2) (1995) and 657 Iowa Administrative Code §§ 6.1, 8.1, 8.5(4), 8.19, 8.20, 9.1(4)(b), 9.1(4)(j), 9.1(4)(u), and 9.1(4)(w) with failure to ensure that pharmacists at Walgreens Pharmacy # 1198 effectively utilize patient information; failure to ensure that pharmacists at Walgreens Pharmacy # 1198 conduct prospective drug use review; and failure to

ensure that pharmacists at Walgreens Pharmacy # 1198 provide oral patient counseling; all of which resulted in a preventable medication dispensing error.

THE CIRCUMSTANCES

The Board has received investigative information which alleges the following:

1. On October 9, 1995, two prescriptions for a 34-month-old child were telephoned to Walgreen Pharmacy #1198 by a prescriber's agent. Staff pharmacist Mary E. Netzel or her staff assistant received and interpreted the prescriptions as: Mysoline® Oral Suspension (Primidone) 250mg per 5ml, 150ml, take one and one-half teaspoonfuls twice a day for ten days; and Dimetane DX, 120ml, take one-half teaspoonful every 4 to 6 hours.

2. The prescription for Mysoline® Oral Suspension was given prescription number 525557-1198. It was processed and verified by Mary E. Netzel at 10:07 a.m. on October 9, 1995.

3. Both prescriptions were dispensed to the child's mother on October 10, 1995. The mother received *no* oral patient counseling from Mary E. Netzel, who was then on duty at Walgreens Pharmacy #1198, or any other pharmacist.

4. Later in the day on October 10, 1995, the child was hospitalized following the administration of the first two doses of the Mysoline® Oral Suspension. The dosage of the drug and the patient instructions, as provided by Mary E. Netzel, caused the child to receive an overdose of Mysoline®. As dispensed, the child received **750mg** of Mysoline® on October 10. The correct dosage to initiate therapy for a child under eight (8) years old is **50mg** per day for the first three days followed by a gradual increase in dosage. The child received *fifteen times* the recommended dosage of Mysoline®.

5. On October 11, 1995, the prescriber contacted the Board to report that a dispensing error had occurred at Walgreens Pharmacy #1198. According to the prescriber, he had ordered the drug "Ilosone® Suspension 250mg/5ml" for the child. Ilosone® is an antibiotic which is used to treat infections. Mysoline® is an anticonvulsant drug which is used to control seizures.

6. On October 12, 1995, the child's mother verified that her child had received the drug Mysoline® and had been hospitalized as a result. She also indicated that she did *not* receive any oral patient counseling from Mary E. Netzel or any other pharmacist at Walgreen Pharmacy #1198.

7. Effective oral patient counseling by Mary E. Netzel, who was the pharmacist on duty at the time that the child's mother received the medication, could have prevented the error from occurring. Effective prospective drug use review by Mary E. Netzel, *before* the prescription was filled and dispensed, could also have prevented the error from occurring. By utilizing patient information contained in the patient record (date of birth) and by conducting prospective drug use review, the Mary E. Netzel could have identified the Mysoline® overdose.

8. In summary, Respondent, as the pharmacist in charge, has failed to ensure that a pharmacist will provide patient counseling at Walgreen's Pharmacy #1198 and has failed to ensure that a pharmacist will perform prospective drug use review by reviewing and assessing patient records at Walgreen's Pharmacy #1198. Respondent has failed to ensure that all patients will receive pharmaceutical care from a licensed pharmacist at Walgreen's Pharmacy #1198.

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.


Lindy A. Pearson
Chief Investigator

On this 13th day of October, 1995, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.


Phyllis A. Olson, Vice Chairperson
Iowa Board of Pharmacy Examiners
Executive Hills West
1209 East Court Avenue
Des Moines, Iowa 50319

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

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

Re: Pharmacist License of) DAVID W. PERSINGER) License No. 16490) Respondent)	STIPULATION AND CONSENT ORDER
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On this 7th day of May, 1996, the Iowa Board of Pharmacy Examiners and David W. Persinger, of 605 55th Street, West Des Moines, 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 October 13, 1995, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That Respondent was issued a license to practice pharmacy in Iowa on the 27th day of July, 1984, by examination as evidenced by Pharmacist License Number 16490, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacist License Number 16490 issued to Respondent is active and current until June 30, 1996.
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 October 13, 1995.
5. The Statement of Charges was answered by Respondent on January 3, 1996.

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

7. Respondent agrees to accept a citation and warning in resolution of the Statement of Charges which was issued on October 13, 1995.

8. Respondent also agrees to obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy.

9. Within one (1) year of the date of approval of this Stipulation and Consent Order by the Board, the Respondent shall complete continuing pharmacy education (CPE) or other formal, structured education in pharmacy management. The education shall be *not less than* six (6) hours in length and shall be pre-approved by the Board. Documentation of satisfactory completion of the education shall be submitted to the Board. This education is in addition to the thirty (30) hours of continuing pharmacy education required every two years for license renewal.

10. Within one (1) year of the date of approval of this Stipulation and Consent Order by the Board, the Respondent shall complete continuing pharmacy education (CPE) or other formal, structured education in patient counseling or communication skills. The education shall be *not less than* six (6) hours in length and shall be pre-approved by the Board. Documentation of satisfactory completion of the education shall be submitted to the Board. This education is in addition to the thirty (30) hours of continuing pharmacy education required every two years for license renewal.

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 May, 1996.


DAVID W. PERSINGER, R.Ph.
Respondent

Subscribed and Sworn to before me on this 6th day of May, 1996.


NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

13. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 7th day of May, 1996.


PHYLLIS A. OLSON, Chairperson
Iowa Board of Pharmacy Examiners
Executive Hills West
1209 East Court Avenue
Des Moines, Iowa 50319