

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

Re:)	Case No. 2000-474
Pharmacy License of)	
PEXTON DRUG STORE)	STATEMENT OF CHARGES
License No. 474)	
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 (1999).
3. Effective January 1, 2000, the Board renewed Respondent general pharmacy license number 474 with Thomas C. Tremmel 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 474 is current until December 31, 2000.
5. Respondent is currently operating a general pharmacy at 1021 Seventh Street, Harlan, Iowa 51537 with Thomas C. Tremmel as the pharmacist in charge.

COUNT I

The Respondent is charged under Iowa Code §§ 124.308(3), 124.402(1)(a), 124.403 (1)(c), 155A.15(2)(c), and 155A.15(2)(d) (1999) and 657 Iowa Administrative Code §§ 6.8, 36.1(4)(u) with unlawful possession of prescription drugs by Respondent's owner and delivering prescription drugs to an unauthorized person.

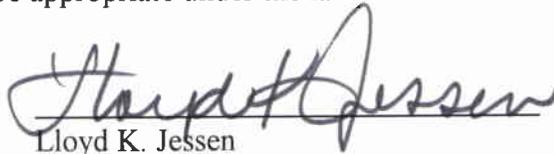
COUNT II

The Respondent is charged under Iowa Code § 155A.15(2)(i) (1999) and 657 Iowa Administrative Code §§ 6.6 & 10.10 with failing to provide and maintain effective security, controls, and procedures to guard against the theft and diversion of prescription drugs and controlled substances.

THE CIRCUMSTANCES

1. During the month of February 2000, a Board investigator conducted a routine inspection of the Respondent's pharmacy.
2. The inspection referred to in paragraph 1, above, revealed substantial shortages of Adderall 10mg and methylphenidate 10mg, both of which are schedule II controlled substances.
3. After initially denying any responsibility for the missing controlled substances, Respondent's owner and pharmacist-in-charge, Thomas C. Tremmel, later admitted that he had diverted the controlled substances for his own use.
4. Upon further investigation, substantial shortages of additional controlled substances were discovered.

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 7th day of July, 2000, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.



Matthew C. Osterhaus, Chairperson
Iowa Board of Pharmacy Examiners
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

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:)	Case No. 2000-474
Pharmacy License of)	
PEXTON DRUG STORE)	STIPULATION
License No. 474)	AND
Respondent)	CONSENT ORDER

COME NOW the Iowa Board of Pharmacy Examiners (“the Board”) and Pexton Drug Store (“Respondent”) and, pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (1999), enter into the following Stipulation and Consent Order settling the contested case currently on file.

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 July 11, 2000, 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 effective January 1, 2000, as evidenced by Pharmacist License Number 474, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That General Pharmacy License Number 474 issued to and currently held by Respondent is current and in force until December 31, 2000.
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 July 11, 2000.

5. Respondent does not contest the allegations set forth in the Statement of Charges and acknowledges that the allegations constitute grounds for discipline of its pharmacy license.
6. Respondent's license shall be placed on probation for three (3) years, 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 will provide its *typewritten* policies and procedures for the following: (a) handling all controlled substances, (b) maintaining accountability for controlled substances, and (c) providing and maintaining effective security, controls, and procedures to detect and guard against the theft and diversion of prescription drugs and controlled substances. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to these policies and procedures whenever operating a pharmacy.
 - b. Respondent agrees to maintain perpetual inventories of all controlled substances and to reconcile receipts and disbursements for all controlled substances on a monthly basis. Respondent shall include such perpetual inventories and reconciliation in its policies and procedures required pursuant to subparagraph 6(a), above.
 - c. During probation, Respondent shall file sworn quarterly reports with the Board attesting to its compliance with all the terms and conditions of this

Stipulation and Consent Order. Said report shall be in writing. The report shall include a listing of all schedule II and III controlled substances received and dispensed by the pharmacy during the quarter. The quarterly reports shall also identify the current pharmacist in charge and all staff pharmacists and any further information deemed necessary by the Board from time to time. The reports shall be filed not later than December 5, 2000, March 5, 2001, June 5, 2001, September 5, 2001; December 5, 2001, March 5, 2002, June 5, 2002, and September 5, 2002, December 5, 2002, March 5, 2003, and September 5, 2003.

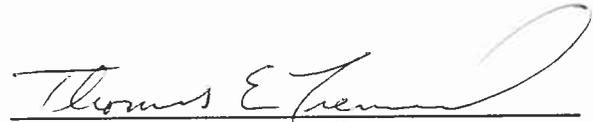
- d. The Respondent shall notify the Board of any theft or loss of a controlled substance in writing within seventy-two hours of occurrence of the loss.
7. The Respondent shall obey all federal and state laws, rules, and regulations substantially related to the operation of pharmacy.
8. Should Respondent violate or fail to comply with any of the terms or conditions of this Stipulation and Consent Order, the Board may initiate action to revoke or suspend the Respondent's Iowa license to operate a pharmacy or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A and 657 Iowa Administrative Code § 36.1.
9. 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.

10. 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.

11. The Board's approval of this Stipulation and Consent Order shall constitute a **FINAL ORDER** of the Board in a disciplinary action.

12. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 1 day of Sept., 2000.

PEXTON DRUG STORE



Thomas E. Tremmel, R.Ph.
Owner

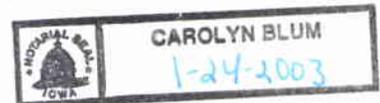


Richard L. Dotzler, Jr.
Pharmacist in Charge
Respondent

Subscribed and sworn to before me by Thomas C. Tremmel and Richard L. Dotzler, Jr., who has stated to me that they are the owner and the pharmacist in charge of Pexton Drug Store, respectively, and that they are authorized to sign this Stipulation and Consent Order on behalf of said Pexton Drug Store on this 1 day of September, 2000.



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 th12 day of September, 2000.



MATTHEW C. OSTERHAUS, Chairperson
Iowa Board of Pharmacy Examiners
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Shauna Russell Shields
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
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