

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

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Re: )  
Pharmacist License of )  
**STEVEN C. PYEVICH** ) **STATEMENT OF CHARGES**  
License No. 18338 )  
Respondent )

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*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 January 9, 1995, Steven C. Pyevich, the Respondent, was issued license number 18338 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 18338 is current and active until June 30, 1998.
5. Respondent currently resides at 468 26th Avenue Ct., East Moline, Illinois 61244.
6. Since July 17, 1996, Respondent has been employed as the pharmacist in charge of Phar-Mor Pharmacy #137, 902 West Kimberly Road, Davenport, Iowa 52806.

COUNT I

The Respondent is charged under Iowa Code §§ 155A.12(1) (1997) and 657 Iowa Administrative Code §§ 6.2, 8.5(4), 8.20, 9.1(4)(b), 9.1(4)(c), 9.1(4)(j), 9.1(4)(u), and 9.1(4)(w) with failure to ensure that pharmacists at Phar-Mor Pharmacy # 137 provide oral patient counseling.

## COUNT II

The Respondent is charged under Iowa Code § 155A.12(1) (1997) and 657 Iowa Administrative Code § 8.6(3) with advertising the prices of controlled substances.

## COUNT III

The Respondent is charged under Iowa Code § 155A.12(1) (1997) and 657 Iowa Administrative Code § 8.2 with failure to properly document required information for the transfer of prescriptions of controlled and non-controlled drugs.

## COUNT IV

The Respondent is charged under Iowa Code § 155A.12(1) (1997) and 657 Iowa Administrative Code § 8.4(4) with failure to maintain a log of all pharmacists who have worked in the pharmacy and are not regularly employed there.

## COUNT V

The Respondent is charged under Iowa Code §§ 155A.10 and 155A.12(1) (1997) and 657 Iowa Administrative Code § 8.4(1) with failure to publicly display all pharmacist licenses and renewal certificates.

## COUNT VI

The Respondent is charged under Iowa Code § 155A.12(1) (1997) and 657 Iowa Administrative Code § 8.20(2) with failure to ensure that the pharmacy advise patients that the pharmacist may be contacted by a toll-free telephone number or a collect telephone call in those instances when oral counseling is not practicable and alternative forms of patient information are provided.

## COUNT VII

The Respondent is charged under Iowa Code §§ 155A.12(1), 155A.12(4) and 155A.12(5) (1997) and 657 Iowa Administrative Code § 6.8 with failure to maintain controlled substance records in a readily retrievable manner.

### COUNT VIII

The Respondent is charged under Iowa Code § 155A.12(1) (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 medication dispensing errors.

### COUNT IX

The Respondent is charged under Iowa Code § 155A.12(1) (1997) and 657 Iowa Administrative Code § 8.15 with failure to ensure that pharmacists properly document the dispensing of generic drugs when engaging in drug product selection.

### COUNT X

The Respondent is charged under Iowa Code §§ 124.306, 124.308(3), 124.402(1)(a), 124.403(1)(c), 155A.12(1), 155A.12(4) and 155A.12(5) (1997) and 657 Iowa Administrative Code § 6.8 with failing to provide accountability for controlled substances and with failing to properly maintain controlled substance records.

### COUNT XI

The Respondent is charged under Iowa Code § 155A.12(1) (1997) and 657 Iowa Administrative Code § 8.18(2) with failure to ensure that pharmacists obtain and record patients' known drug allergies, drug reactions, idiosyncrasies, and chronic conditions or disease states and the identity of any other drugs, including over-the-counter drugs or devices, currently being used by patients.

### COUNT XII

The Respondent is charged under Iowa Code § 155A.12(1) (1997), 657 Iowa Administrative Code § 6.2(1)(k), and 21 Code of Federal Regulations § 310.515 with failure to ensure that a pharmacist provide the manufacturer's patient package inserts (PPIs) to a patient who received Premarin® and Provera®.

### COUNT XIII

The Respondent is charged under Iowa Code § 155A.12(1) (1997) and 657 Iowa Administrative Code § 8.18(1)(c) with failure to ensure that the pharmacy obtain patients' ages or dates of birth prior to dispensing new prescriptions.

## COUNT XIV

The Respondent is charged under Iowa Code § 155A.12(1) (1997) and 657 Iowa Administrative Code §§ 8.18(2) and 8.19(4) with failure to ensure that a pharmacist provide an appropriate warning to a patient concerning the drug interaction between aspirin and Coumadin®.

### THE CIRCUMSTANCES

The Board has received investigative information which alleges the following:

1. On October 3, 1996, the Board received a complaint which alleged that Phar-Mor Pharmacy #137 advertised Schedule IV controlled substances in a newspaper supplement on October 2-8, 1996.

2. On November 18, 1997, a routine inspection of Phar-Mor Pharmacy #137 was conducted by the Board. The Board inspector noted the following deficiencies: failure to properly document required information for the transfer of prescriptions of controlled and non-controlled drugs; failure to maintain a log of all pharmacists who have worked in the pharmacy and are not regularly employed at this location; failure to display all pharmacist licenses and renewal certificates; failure to advise patients that the pharmacist may be contacted by a toll-free telephone number or a collect telephone call in those instances when oral counseling is not practicable and alternative forms of patient information are provided (second notice); and failure to maintain controlled substance records in a readily retrievable manner. In addition, the Board inspector noted the following in the inspection report: "Patient counseling requirements must be met (second notice)."

In a separate investigative report dated November 24, 1997, a Board investigator reported that Phar-Mor Pharmacy #137 failed to properly document the dispensing of generic drugs when engaging in drug product selection. As a result, the dispensing records for the following controlled substances were inaccurate and/or incomplete: hydrocodone/APAP 5/500, hydrocodone/APAP 7.5/500, hydrocodone/APAP 7.5/750, APAP/Codeine 30/300, and all strengths of Alprazolam.

A controlled substances audit for the time period beginning May 1, 1997, and ending November 17, 1997, revealed shortages of the following controlled substances: Lortab® 5/500, Lortab® 10/500, APAP with Codeine 30/300, Tylenol with Codeine® No. 3, Vicodin® 5/500, Xanax® 0.25, Alprazolam® 0.25, and Xanax® 2 mg.

A controlled substances audit for the time period beginning May 1, 1997, and ending November 17, 1997, revealed overages of the following controlled substances: hydrocodone with APAP 5/500, hydrocodone with APAP 7.5/500, hydrocodone with

APAP 7.5/750, hydrocodone with APAP 10/650, Lortab® 7.5/500, Vicodin ES® 7.5/750, Xanax® 0.5, Xanax® 1.0 mg, Alprazolam® 0.5mg, Alprazolam® 1.0 mg, and Alprazolam® 2.0 mg.

3. Between November 18, 1997, and December 6, 1997, the Board conducted a shopper survey at Phar-Mor Pharmacy #137. The survey produced the following results:

a. On November 18, 1997, four new prescriptions were filled by Phar-Mor Pharmacy #137 for shopper #1. No oral patient counseling was provided to shopper #1. Shopper # 1 also reported that no one asked her if she had any known allergies. In addition, shopper #1 did not receive manufacturer's patient package inserts for her prescriptions for Premarin® and Provera®. Furthermore, shopper # 1 should have received fifteen tablets of Entex-LA® but only received 14 tablets.

b. On November 19, 1997, five new prescriptions were filled by Phar-Mor Pharmacy #137 for shopper #2. No oral patient counseling was provided to shopper #2. Shopper # 2 also reported that no one asked her if she had any known allergies and no one asked for her age or date of birth. Phar-Mor Pharmacy #137 dispensed a codeine-containing prescription drug (APAP/Codeine 300-30mg) to shopper # 2 who is allergic to codeine. In addition, shopper # 2 purchased aspirin tablets over-the-counter along with her prescription for Coumadin® and received no warning about the drug interaction between aspirin and Coumadin®. Furthermore, shopper #2 should have received 30 tablets of amitriptyline 10mg but received 31 tablets instead.

c. On November 26, 1997, three new prescriptions were filled by Phar-Mor Pharmacy #137 for shopper #3. No oral patient counseling was provided to shopper #3.

d. On December 6, 1997, three new prescriptions were filled by Phar-Mor Pharmacy #137 for shopper # 4. No oral patient counseling was provided to shopper #4.

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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 3rd day of March, 1998, 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, 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**

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Re: Pharmacist License of  
**STEVEN C. PYEVICH**  
License No. 18338  
Respondent

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**STIPULATION  
AND  
CONSENT ORDER**

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On this 16th day of September, 1998, the Iowa Board of Pharmacy Examiners and Steven C. Pyevich, of 468 26th Avenue Court, East Moline, Illinois, 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 March 3, 1998, 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 9th day of January, 1995, by examination as evidenced by Pharmacist License Number 18338, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacist License Number 18338 issued to Respondent is active and current until June 30, 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 March 3, 1998.

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 one (1) year, 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 his written policies and procedures for the following: (a) obtaining, recording, and maintaining patient information; (b) patient counseling; and (c) prospective drug use review. The written policies and procedures shall relate to Respondent's practice of pharmacy in his current work setting. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to these policies and procedures whenever engaging in the practice of pharmacy.

b. Within six (6) months 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. 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.

c. During probation, Respondent shall inform the board in writing within ten (10) days of any change of home address, place of employment, home telephone number, or work telephone number.

d. During probation, Respondent shall report to the board or its designee quarterly. Said report shall be in writing. The report shall include the Respondent's place of employment, current address, and any further information deemed necessary by the board from time to time.

7. Respondent shall pay a civil penalty of \$250 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 obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy.

9. Respondent shall notify all present and prospective employers of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this document. Within thirty (30) days after approval of this Stipulation and Consent Order by the Board, and within fifteen (15) days of undertaking new employment as a pharmacist, Respondent shall cause his pharmacy employer to report to the Board in writing acknowledging that the employer has read this document and understands it.

10. 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.

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11. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 26 day of August, 1998.

*Steven C. Pyevich*

Steven C. Pyevich, R.Ph.  
Respondent

Subscribed and Sworn to before me on this 26<sup>th</sup> day of August, 1998.

*Linda L. Dickering*  
NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA

12. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 16<sup>th</sup> day of September, 1998.

*Arlan D. Van Norman*

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