

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

Re:)	Case No. 2001-685
Pharmacy License of)	
VALU*RITE DRUG)	STATEMENT OF CHARGES
License No. 685)	
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 (2001).
3. Effective January 1, 2001, the Board renewed Respondent general pharmacy license number 685 with Joseph C. Rashid, R.Ph., 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 685 is current until December 31, 2001.
5. Respondent is currently operating a general pharmacy at 2404 Avenue L, Fort Madison, Iowa with Joseph C. Rashid 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), 155A.15(2)(d), and 155A.15(2)(h) (2001) and 657 Iowa Administrative Code §§ 6.8, 36.1(4)(u) with failing to provide accountability for certain controlled substances.

COUNT II

The Respondent is charged under Iowa Code §§ 155A.15(2)(c) and 155A.6(6), and 657 Iowa Administrative Code §§ 6.2(1)(f), 6.2(1)(k), 6.2(2), 22.4, and 22.19 with employing a pharmacy technician without a current, active Iowa technician registration.

THE CIRCUMSTANCES

1. On or about January 8, 2001, the Board received a notification from the Respondent regarding a prescription that had been falsified by one of the Respondent's technicians.
2. The technician referred to in paragraph 1 was employed by the Respondent as a pharmacy technician around the time the events alleged in paragraph 1 occurred.
3. The technician's Iowa pharmacy technician registration had expired and was delinquent at the time the technician falsified the prescription referred to in paragraph 1.
4. During the Board's investigation of the complaint referred to in Paragraph 1, the Board conducted an audit of controlled substances at the Respondent's pharmacy.
5. The controlled drug audit revealed shortages of several controlled substances.

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 12th day of June, 2001, 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. 2001-685
Pharmacy License of)	
VALU*RITE DRUG)	STIPULATION
License No. 685)	AND
Respondent)	CONSENT ORDER

COME NOW the Iowa Board of Pharmacy Examiners (“the Board”) and Valu*Rite Drug (“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 June 12, 2001, 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, 2001, as evidenced by Pharmacist License Number 685, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That General Pharmacy License Number 685 issued to and currently held by Respondent is current and in force until December 31, 2001.
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 June 12, 2001.

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. The Respondent agrees to accept a citation and warning for the alleged violation set forth in the Statement of Charges.
7. 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) dispensing controlled substances, (b) maintaining security of controlled substances, (c) controlled substances record keeping, and (d) employment and registration of pharmacy technicians. The typewritten policies and procedures shall relate to Respondent's operation of a pharmacy. 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.
8. The Respondent shall fully and promptly comply with all Orders of the Board and the statutes and rules regulating the operation of a 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 § 272C.3(2)(a).
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 12 day of Dec, 2001.



Valu*Rite Drug
Joseph C. Rashid, R.Ph.
Pharmacist in charge,
Respondent

Subscribed and sworn to before me by Joseph C. Rashid, who has stated to me that he/she is the pharmacist in charge of Valu*Rite Drug and that he/she is authorized to sign this Stipulation and Consent Order on behalf of said Valu*Rite Drug on this 3rd day of January, 2002



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 24 day of January, 2007


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
Des Moines, Iowa 50319