

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

Re:	)	Case No. 2002-17478
Pharmacist License of)	
ROBERT P. REHAL)	
License No. 17478	)	STATEMENT OF CHARGES
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. On July 25, 1990, the Board issued the Respondent, Robert P. Rehal, a license to engage in the practice of pharmacy by examination as evidenced by license number 17478, subject to the laws of the State of Iowa and the rules of the Board.
4. License number 17478 is current and active until June 30, 2004.
5. The Respondent's current address is 2021 Peachtree Ct., Sioux City, Iowa 51104.
6. Upon information and belief the Respondent is currently employed as the pharmacist in charge at Greenville Pharmacy, Inc., 2701 Correctionville, Sioux City, Iowa 51105, and has been employed as such during all times relevant to this statement of charges.

COUNT I

The Respondent is charged under Iowa Code § 155A.12 (2001), and 657 Iowa Administrative Code §§ 10.11 & 36.1(4)(j), with violating a statute or law of this state, another state, or the United States which relates to the practice of pharmacy or the distribution of controlled substances, prescription drugs, or non-prescription drugs.

COUNT II

The Respondent is charged under Iowa Code § 155A.12 (2001) and 657 Iowa Administrative Code §§ 36.1(4)(b)(3) & 36.1(4)(b)(4) with failing to exercise the degree of care

which is exercised by the average pharmacist in the State of Iowa under the same or similar standard and repeated or willful departure from, or failure to conform to, the minimal standard or acceptable and prevailing practice of pharmacy.

COUNT III

The Respondent is charged under Iowa Code § 155A.12 (2001) and 657 Iowa Administrative Code §§ 36.1(4)(i) with intentional or repeated violation of Board rules 6.2(1)(a) (failing to ensure that the pharmacists at the pharmacy where the Respondent serves as pharmacist in charge perform prospective drug utilization review); 6.2(1)(a) (legal operation of pharmacy); 8.19 (failing to perform prospective drug utilization review); and 10.11 (dispensing prescription for controlled substances that was not issued in accordance with the requirements of rule 10.11).

THE CIRCUMSTANCES

1. On or about November 28, 2001, the Iowa Board of Pharmacy Examiners received a complaint that the pharmacy where the Respondent serves as pharmacist in charge had dispensed a prescription for a controlled substance in a manner that was contrary the prescriber's specific instructions.
2. The Board's investigator reviewed the records of all of the controlled substances dispensed between September 13, 2001 and January 2, 2002 by the pharmacy where the Respondent serves as pharmacist in charge. In some of the prescriptions reviewed, the prescriber had clearly indicated on the face of the prescription drug order that the prescription was not to be dispensed before certain date. This date will be referred to as the "do not dispense before" date. The pharmacy dispensed controlled substances before the "do not dispense before" date nine times during the less than four month time period that was subject to the investigator's review.
3. The Respondent was the dispensing pharmacist on four of the controlled substance prescriptions dispensed by the pharmacy before the "do not dispense before" date.
4. The Board investigator also discovered that the pharmacy had dispensed six prescriptions for controlled substances when the prescription drug order did not contain the date the prescription was issued or written or contained a date more than fifteen years old. The pharmacists did not verify these prescriptions with the prescribers before dispensing them.
5. The Respondent was the dispensing pharmacist on one of the controlled substance prescriptions that did not bear the date it was dispensed.

6. In response to the Board investigator's questions, the Respondent indicated that he did not know what several of his patient's diagnosis was, but rather believed that several of the patients who regularly asked to have their prescriptions filled before the "do not dispense before" date were just "hooked" on controlled substances. The Respondent dispensed controlled substances to these individuals before the "do not dispense before" date in spite of this belief.

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 18 day of June, 2002, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.



Katherine A. "KAP" Linder, 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. 2002-17478
Pharmacist License of)	
ROBERT P. REHAL	)	STIPULATION
License No. 17478	)	AND
Respondent	)	CONSENT ORDER
)	

COME NOW the Iowa Board of Pharmacy Examiners (“the Board”) and Robert P. Rehal, R.Ph. (“Respondent”) and, pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2001), 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 the Respondent on June 18, 2002, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That the Respondent was issued a license to practice pharmacy in Iowa on July 25, 1990, by examination as evidenced by Pharmacist License Number 17478, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacist License Number 17478, issued to and held by the Respondent is active and current until June 30, 2004.
3. The Respondent is currently employed as a the pharmacist in charge at Greenville Pharmacy, Inc., 2701 Correctonville, Sioux City, Iowa 51105, and has been

employed as such during all times relevant to this case.

4. A Statement of Charges was filed against the Respondent on June 18, 2002.
5. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.
6. This Stipulation and Consent Order is entered into in order to resolve disputed claims and constitutes no admission on the part of the Respondent.
7. The 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 develop and submit to the Board, for its approval, typewritten policies and procedures for (1) conducting prospective drug utilization review in the practice of pharmacy and (2) complying with federal DEA requirements for the dispensing of controlled substances in the practice of pharmacy. Each policy and procedure shall include a typewritten protocol that describes the procedure for the Respondent to follow when dispensing prescription medication upon receipt of a new prescription drug order or a refill request. The policy and procedure for conducting drug utilization review shall include all the requirements contained in 657 Iowa Administrative Code § 8.19 and shall provide for a process whereby patients' medication records are reviewed and assessed by the Respondent for the purpose of determining

therapeutic appropriateness before the Respondent dispenses any prescription medication. The typewritten 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 an additional six (6) hours of continuing pharmacy education (CPE) or other formal, structured education in prospective drug utilization review and an additional six (5) hours of continuing pharmacy education (CPE) or other formal, structured education in DEA requirements for dispensing controlled substances. The education 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. The Respondent shall not dispense any prescription medication without a valid prescription drug order from an authorized prescriber. When a prescriber has provided specific refill instructions, the Respondent shall consult with the prescriber to verify the refill instructions before dispensing the refill to any patient who requests an early refill or requests a refill

before a certain date that has been specified by the prescriber in the prescription order as a "do not dispense before" date.

- d. 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.
 - e. 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.
8. The Respondent shall obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy.
 9. The Respondent shall notify all present employers and prospective employers (no later than at the time of an interview), including the pharmacist-in-charge, of the resolution of this case and the terms, conditions, and restrictions imposed on the 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, the Respondent shall cause his pharmacy employer and the pharmacist-in-charge that he works under to report to the Board in writing acknowledging that the employer and the pharmacist-in-charge have read this document and understand it.
 10. Should the 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 pharmacist license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A and 657 IAC 36.1.

- i 1. This Stipulation and Consent Order is the resolution of a contested case. By entering into this Stipulation and Consent Order, the 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.
12. 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.
13. The Board's approval of this Stipulation and Consent Order shall constitute a **FINAL ORDER** of the Board in a disciplinary action.

14. This Stipulation and Consent Order is voluntarily submitted by the Respondent to the Board for its consideration on the 17 day of July, 2002.

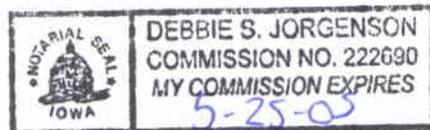


Robert P. Rehal, R.Ph.
Respondent

Subscribed and sworn to before me by Robert P. Rehal on this 17th day of July, 2002.



NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA



15. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 6th day of Aug., 2002.


KATHERINE A. LINDER, 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

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

Re:	)	Case No. 2004-12
Pharmacist License of)	
ROBERT P. REHAL,	)	STATEMENT OF CHARGES
License No. 17478,)	
Respondent.)	

COMES NOW, the Complainant, Lloyd K. Jessen, and states:

1. He is the Executive Secretary/Director for the Iowa Board of Pharmacy Examiners (hereinafter referred to as the "Board") 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 (2003).
3. On July 25, 1990, the Board issued Respondent, Robert P. Rehal, by examination, a license to engage in the practice of pharmacy as evidenced by license number 17478, subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's pharmacist license is current and active until June 30, 2005.
5. Respondent's current address is 2021 Peachtree Court, Sioux City, Iowa 51104.
6. Respondent was employed, at all times material to this statement of charges, as the pharmacist in charge at Greenville Pharmacy, 2701 Correctionville, Sioux City, Iowa 51105.

A. CHARGES

COUNT I – LACK OF PROFESSIONAL COMPETENCY

Respondent is charged under Iowa Code § 155A.12(1) (2003) and 657 Iowa Administrative Code § 36.1(4) with a lack of professional competency, as demonstrated by willful departure from, and a failure to conform to, the minimal standard and acceptable and prevailing practice of pharmacy in the state of Iowa, including the commission of a dispensing error and a failure to comply with administrative rules.

COUNT II – FAILURE TO PERFORM BIENNIAL INVENTORY

Respondent is charged under Iowa Code §§ 155A.12(1) (2003) and 155A.12(4), and 657 Iowa Administrative Code §§ 10.35(3) and 36.1(4)(cc) with a failure to complete a biennial controlled substances inventory.

COUNT III – FAILURE TO COMPLY WITH BOARD ORDER

Respondent is charged under Iowa Code § 272C.3(2)(a) (2003) with a failure to comply with the terms of a Stipulation and Consent Order issued by the Iowa Board of Pharmacy Examiners on July 17, 2002 which ordered Respondent to "obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy."

B. CIRCUMSTANCES

On or about February 13, 2004, an investigation was commenced which revealed the following:

1. In the course of his employment, Respondent incorrectly dispensed Toprol-XL 25mg (instead of Topamax 25mg) for a 5 year old child.
2. A routine inspection report revealed that no inventory of controlled substances had been completed at the Greenville Pharmacy, where Respondent is the pharmacist in charge, since April 29, 2001, more than three years prior to the inspection which occurred on May 18, 2004.
3. The inspection also revealed (a) that pharmacy technicians under Respondent's supervision did not wear name badges, (b) Greenville Pharmacy did not maintain a log of pharmacists and other employees who had worked at the pharmacy, (c) Greenville Pharmacy did not maintain an identification code log for its employees, (d) Greenville Pharmacy did not have policies and procedures for training and periodic review of pharmacy technicians, (e) Greenville Pharmacy did not have policies for shipping and delivering prescription drugs and (f) Greenville Pharmacy did not routinely perform a prospective drug use review.
4. On July 17, 2002, Respondent entered into a Stipulation and Consent Order (hereinafter, "Order") with the Iowa Board of Pharmacy Examiners (hereinafter, "Board"). A provision of the Order in case number 2002-17478 provided that Respondent's license would remain on a probationary basis through July 16, 2005. Section 8 of the order directed Respondent to "obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy."

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 7 day of October 2004, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.


Michael J. Seifert, Chairperson
Iowa Board of Pharmacy Examiners
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck
Assistant Attorney General
Hoover State Office Building
Des Moines, Iowa

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

Re:)	Case No. 2004-12
Pharmacist License of)	
ROBERT P. REHAL	)	STIPULATION
License No. 17478	)	AND
Respondent	)	CONSENT ORDER

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2005), the Iowa Board of Pharmacy Examiners (hereinafter, "the Board") and Robert P. Rehal (hereinafter, "Respondent"), enter into the following Stipulation and Consent Order settling a licensee disciplinary proceeding currently pending before the Iowa Board of Pharmacy Examiners.

Allegations specified in a Statement of Charges filed against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

1. Respondent was issued a license to practice pharmacy in Iowa on July 25, 1990, following examination, as evidenced by Pharmacist License Number 17478, which is recorded in the permanent records of the Board.
2. The Iowa Pharmacist License issued to and held by Respondent is active and current until June 30, 2007.
3. Respondent was, at all times material to the Statement of Charges, employed at Greenville Pharmacy, 2701 Correctionville, Sioux City, Iowa 51105.
4. A Statement of Charges was filed against Respondent on October 7, 2004, at which time Respondent's license to practice pharmacy was already in a probationary status in accordance with a "Stipulation and Consent Order" entered by the Board on August 6, 2002.

5. The Board has jurisdiction over the Respondent and jurisdiction over the subject matter of these proceedings.

6. Respondent does not contest the allegations set forth in the Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline described herein.

7. On the date of the Board's approval of this Stipulation and Consent Order, Respondent's registration shall be placed on probation for a period of three (3) years provided, however, that only those time periods during which Respondent is employed as a pharmacist shall count toward exhaustion of the probationary term. Respondent's prior probationary period, which commenced on August 6, 2002, shall then be terminated. Probation is granted under the following conditions, which Respondent agrees to follow:

8. Upon completion of the license suspension described above, Respondent's license shall be placed on probation for a term of three (3) years provided, however, that only those time periods during which Respondent is employed as a pharmacist shall count toward exhaustion of the probationary term. Probation is granted under the following conditions, which Respondent agrees to follow:

- a. Within six (6) months after the date of the Board's approval of this Stipulation and Consent Order, Respondent shall complete continuing pharmacy education ("CPE") or other formal, structured education on (1) handling and resolving dispensing errors and (2) continuous quality improvement initiatives. The CPE shall be not less than six (4) hours in length and shall be pre-approved by the Board. Documentation of satisfactory completion of the education shall be

promptly submitted to the Board. This CPE shall be in addition to – not in lieu of – the thirty (30) hours of continuing pharmacy education required every two years for license renewal.

b. Within sixty (60) days after the date of the Board's approval of this Stipulation and Consent Order, Respondent will submit to the Board a *typewritten* plan covering the following: (1) a *personal* continuous quality improvement (CQI) initiative relating to Respondent's practice of pharmacy, which initiative includes specific ethical standards to be followed in handling and resolving dispensing errors, plus (2) any CQI initiatives Respondent proposes for the pharmacy where Respondent currently practices. Following review and approval by the Board, Respondent agrees to adopt, implement, and adhere to the *personal* CQI initiatives in his current employment setting and whenever engaging in the practice of pharmacy.

c. Respondent shall, consistent with his prior probation agreement, refuse to dispense any prescription medication without a valid prescription drug order from an authorized prescriber. When a prescriber has provided specific refill instructions, Respondent shall consult with the prescriber to verify the refill instructions before dispensing the refill to any patient who requests an early refill or requests a refill before a certain date that has been specified by the prescriber in the prescription order as a "do not dispense before" date.

d. Respondent shall inform the Board, in writing, of any change of home address, place of employment, home telephone number, or work telephone

number, within ten (10) days of such a change.

e. During probation, Respondent shall report to the Board or its designee quarterly, in writing. The report shall include Respondent's place of employment, current address, *Respondent's most recent efforts to implement the provisions of this Stipulation and Consent Order, by date*, and any further information deemed necessary by the Board from time to time.

f. Respondent shall not serve as a preceptor.

g. Respondent shall notify all present employers and prospective employers (no later than at the time of an employment interview), including any pharmacist-in-charge, of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this Stipulation and Consent Order.

h. 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 her pharmacy employer, and any pharmacist-in-charge she works under, to report to the Board in writing acknowledging that the employer and the pharmacist-in-charge have read this document and understand it.

i. Respondent shall appear informally before the Board, upon the request of the Board, for the purpose of reviewing Respondent's performance as a pharmacist during her probationary period. Respondent shall be given reasonable notice of the date, time, and place for the appearances.

j. Respondent shall obey all federal and state laws, rules, and regulations

substantially related to the practice of pharmacy.

9. Should the 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 pharmacist license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2005) and 657 IAC 36.

10. 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.

11. 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 the Board or Respondent. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.

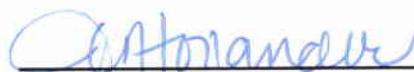
12. The Board's approval of this Stipulation and Consent Order shall constitute a FINAL ORDER of the Board in a disciplinary action.

This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 4 day of October 2005.

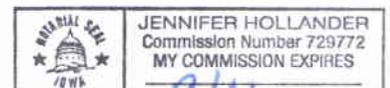


Robert P. Rehal, R.Ph.
Respondent

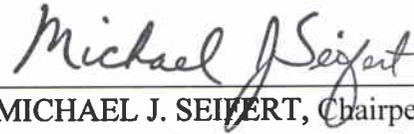
Subscribed and sworn to before me by Robert P. Rehal on this 5th day of October 2005.



NOTARY PUBLIC IN AND FOR
THE STATE OF IOWA



This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 13 day of October 2005.



MICHAEL J. SEIFERT, Chairperson
Iowa Board of Pharmacy Examiners
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

Robert P. Rehal
2021 Peachtree Court,
Sioux City, Iowa 51104

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BEFORE THE BOARD OF PHARMACY STATE OF IOWA

**IN THE MATTER OF THE STIPULATION AND CONSENT ORDER AGAINST
ROBERT P. REHAL, R.Ph., RESPONDENT**

2004-12

TERMINATION ORDER

DATE: October 13, 2008

1. On October 13, 2005, a Stipulation and Consent Order was issued by the Iowa Board of Pharmacy placing the license to practice pharmacy, number 17478 issued to Robert P. Rehal on July 25, 1990, on probation for a period of three years under certain terms and conditions.

2. Respondent has successfully completed the probation as directed.

3. The Board directed that the probation placed upon the Respondent's license to practice pharmacy should be terminated.

IT IS HEREBY ORDERED:

That the probation placed upon the Respondent's license to practice pharmacy is terminated, and the license is returned to its full privileges free and clear of all restrictions.

IOWA BOARD OF PHARAMCY



Leman E. Olson, Board Chairperson
400 SW 8th Street, Suite E
Des Moines, Iowa 50309-4688