

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

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Re: )  
Pharmacist License of )  
**MERI C. RUSSELL** ) **STATEMENT OF CHARGES**  
License No. 16692 )  
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 February 27, 1986, Meri C. Russell, the Respondent, was issued license number 16692 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 16692 is current and active until June 30, 1999.

5. Respondent currently resides at 206 SW 42nd Street, Des Moines, Iowa 50312.

6. Respondent is currently self-employed as an owner and the pharmacist in charge of Mortar & Pestle Veterinary Pharmacy, 3701 Beaver Avenue, Des Moines, Iowa 50310. Respondent has been the pharmacist in charge since June 3, 1997, and as the pharmacist in charge is responsible for the legal operation of the pharmacy.

**COUNT I**

The Respondent is charged under Iowa Code § 155A.12 (1997) and 657 Iowa Administrative Code § 8.5 with unethical conduct.

## COUNT II

The Respondent is charged under Iowa Code § 155A.12 (1997) and 657 Iowa Administrative Code §§ 6.2(1), 8.5(4), 9.1(4)(b), 9.1(4)(j), and 9.1(4)(u) with nonconformance with law.

### THE CIRCUMSTANCES

1. Mortar & Pestle Veterinary Pharmacy received a Statement of Charges from the Board dated March 6, 1997. Subsequently, a Stipulation and Consent Order dated June 10, 1997, was approved by the Board. The Stipulation and Consent Order placed Mortar & Pestle Veterinary Pharmacy on probation with the Board from June 10, 1997, to June 10, 1999. Respondent, Meri C. Russell, was designated as the pharmacist in charge of Mortar & Pestle Veterinary Pharmacy effective June 3, 1997.

2. An inspection, investigation, and audit of Mortar & Pestle Veterinary Pharmacy was conducted beginning on February 10, 1998. The observations and findings of the inspection, investigation, and audit indicate that between June 10, 1997, and May 12, 1998, Mortar & Pestle Veterinary Pharmacy has violated the terms of the Stipulation and Consent Order dated June 10, 1997, as follows:

a. Mortar & Pestle Veterinary Pharmacy has failed to obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy.

b. Mortar & Pestle Veterinary Pharmacy has failed to maintain complete and accurate prescription records.

c. Mortar & Pestle Veterinary Pharmacy has failed to comply with all the requirements contained in 657 Iowa Administrative Code chapter 20, "Pharmacy Compounding Practices."

d. Mortar & Pestle Veterinary Pharmacy has failed to consistently verify the existence of a bona fide prescriber/patient/pharmacist relationship before distributing compounded veterinary drug products.

e. Mortar & Pestle Veterinary Pharmacy has failed to properly train and utilize pharmacy technicians and has failed to provide appropriate pharmacist supervision and oversight of pharmacy technicians.

f. Mortar & Pestle Veterinary Pharmacy has failed to comply with all state and federal requirements pertaining to the proper use and handling of harmful or toxic substances including powders.

g. Mortar & Pestle Veterinary Pharmacy has dispensed prescription medications without a valid prescription drug order from an authorized prescriber.

h. Mortar & Pestle Veterinary Pharmacy has failed to report to the Board all dispensing errors brought to its attention within thirty (30) days of such occurrence.

i. Mortar & Pestle Veterinary Pharmacy has failed to cause all new pharmacy employees to report to the Board in writing, acknowledging that they have read the Stipulation and Consent Order dated June 10, 1997.

3. The findings of the inspection indicate that Respondent and Mortar & Pestle Veterinary Pharmacy have failed to comply with all applicable requirements for the preparation of sterile products.

4. The findings of the investigation indicate that employees of Mortar & Pestle Veterinary Pharmacy have removed pharmaceutical products from the Mortar & Pestle Veterinary Pharmacy in order to conceal them from regulatory officials and have provided incomplete or altered pharmacy records and information during the course of the investigation.

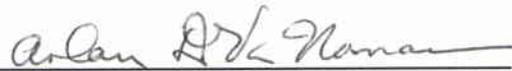
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WHEREFORE, the Complainant prays that a hearing be held in this matter and that the Board take such action as it may deem to be appropriate under the law.



Lloyd K. Jessen  
Executive Secretary/Director

On this 12th day of May, 1998, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.



Arlan D. VanNorman, Chairperson  
Iowa Board of Pharmacy Examiners  
Executive Hills West  
1209 East Court Avenue  
Des Moines, Iowa 50319

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

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

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Re:	)	
Pharmacist License of	)	<b>ORDER</b>
<b>MERI C. RUSSELL</b>	)	<b>ACCEPTING</b>
License No. 16692	)	<b>SURRENDER OF LICENSE</b>
Respondent	)	<b>TO PRACTICE PHARMACY</b>

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*COMES NOW*, Arlan D. Van Norman, Chairperson of the Iowa Board of Pharmacy Examiners, on the 9th day of October, 1998, and declares that:

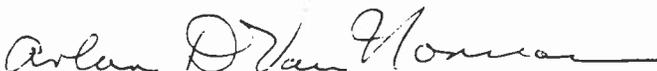
1. On May 12, 1998, the Board issued a Statement of Charges to the Respondent.

2. On October 8, 1998, Respondent executed a voluntary surrender of her pharmacist license number 16692 pursuant to 657 Iowa Administrative Code § 9.25. In so doing, Respondent waived her right to a formal hearing before the Iowa Board of Pharmacy Examiners.

3. On October 9, 1998, the Board reviewed Respondent's voluntary surrender of her license to practice pharmacy and agreed to accept it.

*WHEREFORE*, it is hereby ordered that Respondent's voluntary surrender of her Iowa pharmacist license number 16692 is hereby accepted and, pursuant to 657 Iowa Administrative Code § 9.25, said surrender shall be considered a revocation of license with respect to any future request for reinstatement.

IOWA BOARD OF PHARMACY EXAMINERS



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Arlan D. Van Norman, Chairperson

V O L U N T A R Y   S U R R E N D E R   O F  
L I C E N S E   T O   P R A C T I C E   P H A R M A C Y

I, Meri C. Russell, of 206 S.W. 42nd Street, Des Moines, Iowa, of my own free will and without any mental reservation and not as a result of any inducement, promise, or threat on the part of anyone, do hereby voluntarily surrender my license to practice pharmacy in the State of Iowa, number 16692, to the Iowa Board of Pharmacy Examiners, for an indefinite period of time. This surrender of license shall become effective upon the notarized signature of the licensee, Meri C. Russell, being affixed to this voluntary surrender document.

I, Meri C. Russell, of my own free will and without any mental reservation and not as the result of any inducement, promise, or threat given or made by any representative, officer, or employee of the Iowa Board of Pharmacy Examiners, or of any other state official, do hereby further acknowledge that by voluntarily signing this surrender statement that I am knowingly and willingly giving up the exercise of the following legal rights:

- (1) My right to a formal hearing before the Iowa Board of Pharmacy Examiners on the matter of my continued licensure pursuant to Chapter 155A, Code of Iowa 1997.
- (2) My right to be represented by an attorney in preparation for and during such formal hearing before the Iowa Board of Pharmacy Examiners.
- (3) My right to submit evidence and to have witnesses called on my own behalf at such formal hearing.
- (4) My right to be represented by an attorney in this matter at this time.

I, Meri C. Russell, do hereby acknowledge that pursuant to 657 Iowa Administrative Code section 9.25, a license to practice pharmacy which has been voluntarily surrendered shall be considered a revocation of license with respect to a request for reinstatement, which will be handled under the terms established by 657 Iowa Administrative Code section 9.23, which provides as follows:

Any person whose license to practice pharmacy...has been revoked...must meet the following eligibility requirements:

1. Must have satisfied all the terms of the order of revocation or suspension or court proceedings as they apply to that revocation or suspension. If the order of revocation or suspension did not establish terms and conditions upon which reinstatement might occur, or if the license, registration, or permit was voluntarily surrendered, an initial application for reinstatement may not be made until one year has elapsed from the date of the board's order or the date of voluntary surrender.

2. A person whose license to practice pharmacy was revoked must successfully pass the North American Pharmacist Licensure Examination (NAPLEX) or an equivalent examination, as determined by NABP, and the Multistate Pharmacy Jurisprudence Examination (MPJE), Iowa Edition.
3. All proceedings for reinstatement shall be initiated by the respondent who shall file with the board an application for reinstatement of the license, registration, or permit. Such application shall be docketed in the original case in which the license, registration, or permit was revoked, suspended, or relinquished. All proceedings upon petition for reinstatement, including all matters preliminary and ancillary thereto, shall be subject to the same rules of procedure as other cases before the board. The board and the respondent may informally settle the issue of reinstatement. The respondent may choose to have an informal reinstatement conference before the board, as provided in rule 657-9.24 (17A, 124B, 147, 155A, 272C).
4. An application for reinstatement shall allege facts which, if established, will be sufficient to enable the board to determine that the basis for the revocation or suspension no longer exists and that it will be in the public interest for the license, registration, or permit to be reinstated. The burden of proof to establish such facts shall be on the respondent.
5. An order for reinstatement shall be based upon a decision which incorporates findings of facts and conclusions of law and must be based upon the affirmative vote of a quorum of the board. This order shall be available to the public as provided in 657-Chapter 14.

I, Meri C. Russell, hereby further acknowledge that I shall not engage in any of the practices or aspects thereof of the practice of pharmacy in the State of Iowa for which such a license is required.

10/8/98  
Date of Signature

Meri C. Russell  
Meri C. Russell

Subscribed and Sworn to before me on this 8<sup>th</sup> day of October, 1998.  
October 12, 1998. State of IA  
 County of BLU

Richard W. Kinnally  
NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA

My Commission Expires 7/6/01