

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

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Re: )  
Pharmacist License of )  
**STEVEN W. SAYLER** ) **STATEMENT OF CHARGES**  
License No. 15330 )  
Respondent )

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**COMES NOW**, the Complainant, Lindy A. Pearson, and states:

1. She is the Chief Investigator for the Iowa Board of Pharmacy Examiners and files this Statement of Charges solely in her official capacity.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 155A and 272C (1997).
3. On July 12, 1978, Steven W. Saylor, the Respondent, was issued license number 15330 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 15330 is current and active until June 30, 1997.
5. Respondent currently resides at 300 West Orchard, Indianola, Iowa 50125.
6. Respondent is currently self-employed as the owner and pharmacist in charge of Phar-Med, 407 North Jefferson, Indianola, Iowa 50125.

**COUNT I**

The Respondent, as pharmacist in charge of Phar-Med, is charged under Iowa Code §§ 155A.12(1), 155A.12(4), and 155A.12(5) (1997) and 657 Iowa Administrative Code §§ 6.6 and 10.10 with failing to provide and maintain effective security, controls, and procedures to guard against the theft and diversion of controlled substances from Phar-Med.

## COUNT II

The Respondent, as pharmacist in charge of Phar-Med, 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 maintain controlled substance records at Phar-Med.

## COUNT III

The Respondent, as pharmacist in charge of Phar-Med, is charged under Iowa Code §§ 155A.12(1), 155A.12(2), and 155A.12(3) (1997) and 657 Iowa Administrative Code §§ 8.5(1), 9.1(4)(b), 9.1(4)(h), 9.1(4)(j), and 9.1(4)(u) with dispensing prescriptions without prescriber authorization or proper documentation of such at Phar-Med.

## COUNT IV

The Respondent, as pharmacist in charge of Phar-Med, is charged under Iowa Code § 155A.12(1) (1997) and 657 Iowa Administrative Code §§ 6.1, 8.18(1), 9.1(4)(b), 9.1(4)(j), and 9.1(4)(u) with making medication dispensing errors at Phar-Med and failing to adequately maintain prescription and controlled substance records and patient records at Phar-Med.

## COUNT V

The Respondent, as pharmacist in charge of Phar-Med, is charged under Iowa Code § 155A.12(1) (1997) and 657 Iowa Administrative Code §§ 8.1, 9.1(4)(b), 9.1(4)(j), and 9.1(4)(u) with failing to verify the accuracy, validity, and appropriateness of prescriptions filled by staff assistants at Phar-Med.

## COUNT VI

The Respondent, as pharmacist in charge of Phar-Med, is charged under Iowa Code § 155A.12(1) (1997) and 657 Iowa Administrative Code §§ 8.3, 9.1(4)(b), 9.1(4)(j), and 9.1(4)(u) with failing to comply with the requirements for prepackaging drugs at Phar-Med.

## COUNT VII

The Respondent, as pharmacist in charge of Phar-Med, is charged under Iowa Code §§ 155A.12(1), 155A.12(2), and 155A.12(3) (1997) and 657 Iowa Administrative Code §§ 6.8(10), 8.5(4), 9.1(4)(b), 9.1(4)(j), and 9.1(4)(u) with nonconformance with law.

### THE CIRCUMSTANCES

1. The Board has received information which alleges that Respondent, as pharmacist in charge of Phar-Med, has failed to provide adequate security for controlled substances located in the prescription department and that Respondent is unable to provide accountability for numerous controlled substances at Phar-Med. The information received by the Board also alleges that Respondent has failed to comply with numerous other pharmacy laws and Board rules pertaining to the practice of pharmacy.

2. An investigation of these allegations was conducted by Board Investigators E. Ray Shelden, Jacqueline Devine, and Dennis Dobesh. Investigators Shelden and Devine have filed reports with the Board which indicate the following:

a. A Schedule II controlled substance accountability audit for the time period beginning May 6, 1995, and ending February 16, 1997, revealed a shortage of 703 units and an overage of 196 units at Phar-Med.

b. A Schedule III, IV, and V controlled substance accountability audit for the time period beginning May 6, 1995, and ending February 17, 1997, based on purchase invoices obtained from Respondent, revealed a shortage of 8,454 units and an overage of 16,855 units at Phar-Med.

c. A Schedule III, IV, and V controlled substance accountability audit for the time period beginning May 6, 1995, and ending February 17, 1997, based on controlled substance purchase reports issued by Respondent's suppliers, revealed a shortage of 9,287 units and an overage of 14,979 units at Phar-Med.

d. Respondent has failed to provide accurate accountability for Schedule II, III, IV, and V controlled substances received by and dispensed from

Phar-Med during the time period beginning May 6, 1995, and ending February 17, 1997.

e. Respondent has failed to maintain a timely, complete, and accurate biennial inventory of controlled substances at Phar-Med.

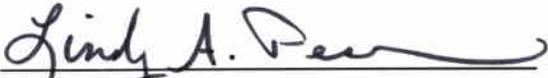
f. Respondent dispensed a total of 52 prescriptions for various drugs for eight different patients between February 18, 1995, and January 13, 1997, without prescriber authorization.

g. Respondent has failed to dispense medications correctly and has failed to adequately maintain prescription and controlled substance records and patient records at Phar-Med. A review of 597 Schedule II controlled substance prescriptions dispensed between May 6, 1995, and February 16, 1997, revealed 218 errors, omissions, or discrepancies.

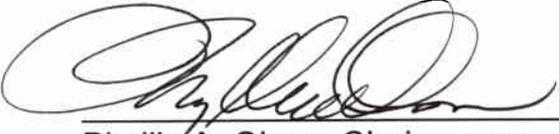
h. Respondent has failed to verify the accuracy, validity, and appropriateness of prescriptions filled by staff assistants at Phar-Med.

i. Respondent has failed to maintain a control record for prepackaged medications and has failed to correctly label containers of prepackaged medications at Phar-Med.

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.

  
Lindy A. Pearson  
Chief Investigator

On this 6th day of March, 1997, 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  
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 W. SAYLER**  
License No. 15330  
Respondent

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**STIPULATION  
AND  
CONSENT ORDER**

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On this 10<sup>th</sup> day of June, 1997, the Iowa Board of Pharmacy Examiners and Steven W. Sayler, of 300 West Orchard, Indianola, Iowa, 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 6, 1997, 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 12th day of July, 1978, by examination as evidenced by Pharmacist License Number 15330, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.

2. That Iowa Pharmacist License Number 15330 issued to Respondent is active and current until June 30, 1997.

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 6, 1997.

5. Respondent does not admit to the truth of the allegations set forth in the Statement of Charges. This Stipulation and Consent Order is executed as a compromise settlement of disputed claims.

## **SECTION I**

THEREFORE, IT IS HEREBY ORDERED that Iowa Pharmacist License Number 15330 issued to Respondent is placed on probation for two (2) years. During the probationary period the Respondent shall:

1. Obey all federal and state laws and regulations substantially related to the practice of pharmacy and the distribution of controlled substances.
2. 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.
3. Provide evidence of efforts to maintain skill and knowledge as a pharmacist through continuing education (CE) as directed by the Board.
4. Not supervise any registered intern and shall not perform any of the duties of a preceptor.

## **SECTION II**

1. Within sixty (60) days of the date of approval of this Stipulation and Consent Order by the Board, the Respondent shall develop and submit to the Board, for its approval, written policies and procedures for the following:

a. Documenting, resolving, and preventing medication dispensing errors. The policy and procedure shall include a written protocol which describes the procedure for Respondent to follow when a dispensing error occurs. The policy and procedure shall also require that all records of dispensing errors be consistently and periodically evaluated by Respondent as part of a cycle of continuous quality improvement. Records of dispensing errors shall be maintained by Respondent for a minimum of two years.

b. Maintaining complete and accurate prescription records, including the full name and address of the patient.

c. Complying with all of the requirements for drug product selection, including the prescriber's dispensing instructions and either the manufacturer's or distributor's name or the National Drug Code (NDC) of the actual drug product dispensed.

d. Complying with all controlled substance recordkeeping and security requirements, including requirements for the biennial inventory of controlled substances. Respondent shall provide accurate accountability for all controlled substances.

e. Providing complete labeling on containers of prescription.

f. Training and utilization of pharmacy technicians. Such policies and procedures shall provide appropriate methods for pharmacist supervision and oversight of pharmacy technicians. Such policies and procedures shall be periodically reviewed by Respondent. Respondent's policies shall specify the frequency of review.

g. Complying with the requirements for receiving new prescription drug orders containing in 657 Iowa Administrative Code § 22.15.

Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to these policies and procedures.

2. Respondent shall not dispense any prescription medication without a valid prescription drug order from an authorized prescriber.

3. Respondent shall report to the Board any judgment or settlement of a malpractice claim or action and any dispensing errors brought to his attention by consumers, health care professionals, or others within thirty (30) days of such occurrence.

4. 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 Informal Settlement 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.

5. Respondent may apply to the Board for modification or termination of the probationary period after one year of probation has been successfully completed.

6. Respondent shall fully and promptly comply with all Orders of the Board and the statutes and rules regulating the practice of 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 section 272C.3(2)(a).

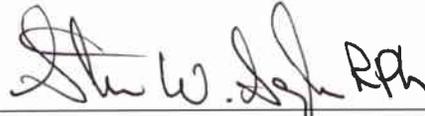
7. Should Respondent violate probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and impose additional disciplinary sanctions, including the revocation of Respondent's license to operate a pharmacy. If a petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

8. Upon successful completion of probation, Respondent's certificate will be fully restored.

9. This Stipulation and Consent Order is subject to approval of a majority of the full Board. If the Board fails to approve this Stipulation and Consent Order, it shall

be of no force or effect to either party. If the Board approves this Stipulation and Consent Order, it shall be the final resolution of this matter.

10. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 7 day of June, 1997.



STEVEN W. SAYLER, R.Ph.  
Respondent

Subscribed and Sworn to before me on this 7 day of June, 1997.



NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA



11. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 10<sup>th</sup> day of June, 1997.



PHYLLIS A. OLSON, Chairperson  
Iowa Board of Pharmacy Examiners  
Executive Hills West  
1209 East Court Avenue  
Des Moines, Iowa 50319