

**BEFORE THE IOWA BOARD OF PHARMACY**

Re: ) Case No. 2010-125  
Pharmacist License of )  
**SCOTT SITZMAN** ) **STATEMENT OF CHARGES**  
License No. 19033, )  
Respondent. )

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

1. He is the Executive Director for the Iowa Board of Pharmacy (hereinafter, "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 (2009).
3. On July 10, 1998, the Board issued Scott Sitzman ("Respondent"), after examination, a license to engage in the practice of pharmacy as evidenced by license number 19033, 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, 2012.
5. Respondent's address of record is 5416 Thackeray Drive, Ames, Iowa 50014-6910.
6. At all times material to this statement of charges, Respondent was employed as the pharmacist in charge at Target Store T-1170, 320 South Duff Avenue, Ames, Iowa 50010.

**A. CHARGES**

**COUNT I – LACK OF PROFESSIONAL COMPETENCY**

Respondent is charged under Iowa Code § 155A.12(1) (2009) and 657 Iowa Administrative Code § 36.1(4)(b) with a lack of professional competency as demonstrated by willful and repeated departures from, and a failure to conform to, the minimal standard and acceptable and prevailing practice of pharmacy in the state of Iowa.

COUNT II – INADEQUATE CONTROLS

Respondent is charged under Iowa Code §§ 124.306, 124.402(1), 155A.12(1) and 155A.12(5) (2009), and 657 Iowa Administrative Code § 6.7, with failing to maintain adequate control over and accountability for drugs, including controlled substances.

**B. CIRCUMSTANCES**

An investigation was commenced on October 6, 2010, which revealed the following:

1. Respondent is the pharmacist in charge at Target Store T-1170 (hereinafter, "Target"), located at 320 South Duff, Ames, Iowa 50010.
2. Beginning in 2006, Stephenie L. Owen was employed as a pharmacist at Target.
3. On September 30, 2010 Owen was arrested by Ankeny, Iowa police following reports of Owen's erratic driving and loss of control of her vehicle. Owen was severely impaired at the time of her arrest at 9:33 am. Owen admitted an addiction to hydrocodone.
4. An audit of controlled substances at Target revealed a shortage of more than ten thousand of doses of hydrocodone, in several strengths. The audit, which covered only the past 1½ years, also revealed shortages of Ambien, lorazepam, clonazepam and zolpidem. Owen admitted to Ankeny police that she diverted four to six bottles of prescription medication per month from Target.
5. More than twenty bottles of stock medications – not labeled for dispensing pursuant to a prescription – were found in Owen's home.

**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 Director

On this 8<sup>th</sup> day of March 2010, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.

  
VERNON H. BENJAMIN, Chairperson  
Iowa Board of Pharmacy  
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 IOWA BOARD OF PHARMACY**

Re:	)	Case No. 2010-125
Pharmacist License of	)	
<b>SCOTT SITZMAN</b>	)	<b>STIPULATION</b>
License No. 19033	)	<b>AND</b>
Respondent	)	<b>CONSENT ORDER</b>

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011), the Iowa Board of Pharmacy (hereinafter, "Board") and Scott Sitzman (hereinafter, "Respondent"), enter into the following Stipulation and Consent Order settling a licensee disciplinary proceeding currently pending before the Board.

Allegations contained in a Statement of Charges 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 10, 1998, following examination, as evidenced by Pharmacist License Number 19033 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, 2012.
3. The Board has jurisdiction over Respondent and jurisdiction over the subject matter of these proceedings.
4. A Statement of Charges was filed against Respondent by the Board on March 8, 2011.
5. Respondent was, at all times material to the Statement of Charges, employed as the pharmacist in charge at Target Store 1170, 320 South Duff

Avenue, Ames, Iowa 50010.

6. Respondent denies the allegations contained in the Statement of Charges, but in the interest of settlement has chosen not to contest the allegations.

Respondent acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline described herein.

7. Upon the Board's approval of this Stipulation and Consent Order, Respondent's Iowa pharmacist license shall be placed on probation for a term of one (1) year. Probation is granted under the following conditions, which Respondent agrees to follow:

a. Within three (3) months after the date of the Board's approval of this Stipulation and Consent Order, Respondent will submit to the Board *typewritten*<sup>1</sup> personal policies and procedures regarding (1) appropriate handling of controlled substances, (2) maintenance of inventory controls and security sufficient to prevent diversion of controlled substances and (3) a requirement that more than one person sign-off on each controlled substance order, confirm receipt of each controlled substance shipment, and approve each controlled substance inventory adjustment.

Respondent's policies and procedures shall direct special attention to monitoring hydrocodone, alprazolam, diazepam and acetaminophen & promethazine with codeine. Respondent agrees to adopt, implement, and adhere to these policies and procedures whenever employed as a pharmacist in charge and whenever engaging in the practice of pharmacy

in a pharmacy which has no conflicting policies and procedures.

b. Respondent shall complete not less than four (4) hours of formal, structured continuing pharmacy education ("CPE") which shall be subject to board approval. The CPE shall be focused on maintaining adequate controls over controlled substances. Upon completion of the four hours of CPE, documentation of satisfactory completion 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. The Board hereby recognizes that the Respondent, since the filing of the Statement of Charges, voluntarily enrolled in more than four (4) hours of CPE that satisfy this requirement of the Stipulation and Consent Order and the Board hereby approves the satisfactory completion of this requirement.

c. Respondent shall file sworn quarterly reports with the Board attesting to Respondent's compliance with the terms and conditions of this Stipulation and Consent Order. The reports shall be filed not later than December 5, March 5, June 5 and September 5 of each calendar year and *shall include a description of Respondent's most recent efforts to comply with this Stipulation and Consent Order.*

e. 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.

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<sup>1</sup> For the purposes of this order, "typewritten" policies may be generated on computer word-processing equipment.

f. 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 during the probationary period, Respondent shall cause his pharmacy employer, and any pharmacist-in-charge 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. It shall be Respondent's responsibility to assure that these reports are provided to the Board.

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

h. Respondent shall obey all federal and state laws, rules, and regulations related to the practice of pharmacy.

8. Upon the Board's approval of this Stipulation and Consent Order, Respondent shall be assessed a civil penalty in the amount of \$2500. The civil penalty payment shall be made by check, payable to the Treasurer of Iowa and mailed to the executive director of the Board within 10 days after Respondent's receipt of notice of the Board's approval of this Stipulation and Consent Order. All civil penalty payments shall be deposited into the State of Iowa general fund. Upon the Board's receipt of the civil penalty, this disciplinary proceeding shall be concluded without further order of the Board.

9. Should Respondent violate or fail to comply with any of the terms and conditions of this Stipulation and Consent Order, the Board may initiate action to revoke or suspend Respondent's Iowa pharmacist license or impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2011), and 657 IAC §36.

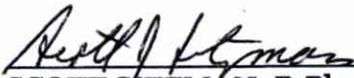
10. This Stipulation and Consent Order is the resolution of a contested case. By entering into this Stipulation and Consent Order, Respondent waives all right to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objection to this Stipulation and Consent Order.

11. The State's legal counsel may present this Stipulation and Consent Order to the Board.

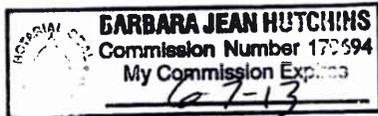
12. This Stipulation and Consent Order is subject to approval by a majority of the full Board. If the Board fails to approve this settlement, it shall be of no force or effect to either the Board or Respondent. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.

13. The Board's approval of this Stipulation and Consent Order shall constitute a FINAL ORDER of the Board.

This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 9<sup>th</sup> day of November 2011.

  
SCOTT SITZMAN, R.Ph.  
Respondent

Subscribed and sworn to before me by Scott Sitzman on this 9<sup>th</sup> day of November 2011.



Barbara Jean Hutchins  
NOTARY PUBLIC IN AND FOR  
THE STATE OF IOWA

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on the 10<sup>th</sup> day of November 2011.

Susan M. Frey

SUSAN FREY, Chairperson  
Iowa Board of Pharmacy  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck  
Assistant Attorney General  
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Des Moines, Iowa 50319

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

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**IN THE MATTER OF THE STIPULATION AND CONSENT ORDER AGAINST  
SCOTT SITZMAN, R.Ph., RESPONDENT**

**2010-125**

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**TERMINATION ORDER**

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**DATE: December 10, 2012**

1. On November 10, 2011, a Stipulation and Consent Order was issued by the Iowa Board of Pharmacy placing the license to practice pharmacy, number 19033 issued to Scott Sitzman on July 10, 1998, on probation for a period of one year under certain terms and conditions.

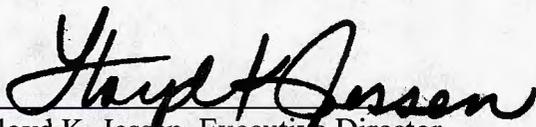
2. Respondent has successfully completed the probation as directed.

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 PHARMACY**

  
Lloyd K. Jessen, Executive Director  
Iowa Board of Pharmacy  
400 SW 8<sup>th</sup> Street, Suite E  
Des Moines, Iowa 50309-4688