

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

Re:)
Pharmacist License of)
MICHAEL J. SLAGLE) **STATEMENT OF CHARGES**
License No. 14596)
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 (1997).
3. On July 1, 1975, Michael J. Slagle, the Respondent, was issued license number 14596 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 14596 is current and active until June 30, 1999.
5. Respondent's current address is 230 8th Avenue, Wellman, Iowa 52356.
6. Respondent is currently self-employed as the owner and pharmacist in charge at Slagle Pharmacy, 203 8th Avenue, Wellman, Iowa 52356.

COUNT I

The Respondent is charged under Iowa Code Sections 124.308, 155A.12(1), 155A.12(2), and 155A.12(3) (1997) and 657 Iowa Administrative Code Sections 8.5(1), 9.1(4)(b), 9.1(4)(h), 9.1(4)(j), and 9.1(4)(u) with dispensing prescription drugs, including controlled substances, without prescriber authorization.

COUNT II

The Respondent is charged under Iowa Code Section 155A.29 with refilling prescriptions more than eighteen months after the date on which the prescriptions were issued and with refilling authorized prescriptions more than eleven times.

COUNT III

The Respondent is charged under Iowa Code § 155A.12(1) and 657 Iowa Administrative Code § 8.18 with failing to maintain complete and accurate patient records at Slagle Pharmacy.

COUNT IV

The Respondent is charged under Iowa Code § 155A.12(1) and 657 Iowa Administrative Code § 8.19 with failing to conduct appropriate and effective prospective drug utilization review at Slagle Pharmacy.

COUNT V

The Respondent is charged under Iowa Code § 155A.12(1) and 657 Iowa Administrative Code § 8.20 with failing to conduct appropriate and effective patient counseling at Slagle Pharmacy.

COUNT VI

The Respondent is charged under Iowa Code §§ 124.306, 124.307, 155A.12(1), 155A.12(4), and 155A.12(5) (1997) and 657 Iowa Administrative Code §§ 6.8(5), 6.8(6), 9.1(4)(j), and 9.1(4)(u) with failing to properly utilize and process DEA 222 order forms for the receipt and distribution of Schedule II controlled substances at Slagle Pharmacy.

COUNT VII

The Respondent is charged with failure to remove and quarantine outdated drugs from dispensing stock at Slagle Pharmacy in violation of 1997 Iowa Code § 155A.12(1) and 657 Iowa Administrative Code Section 6.7(4).

COUNT VIII

The Respondent is charged with failure to maintain the required pharmacy reference library at Slagle Pharmacy in violation of 1997 Iowa Code § 155A.12(1) and 657 Iowa Administrative Code Section 6.3.

COUNT IX

The Respondent is charged under Iowa Code § 155A.12(1) (1997) and 657 Iowa Administrative Code §§ 8.5(4), 9.1(4)(b), 9.1(4)(j), and 9.1(4)(u) with serving in a pharmacy which is not operated in conformance with law.

THE CIRCUMSTANCES

1. On November 16, 1995, the Board received a complaint from "physician-A" who alleged that Respondent was refilling prescriptions for two patients (patient #1 and patient #2) without prescriber authorization. An investigation of that complaint revealed that patient and pharmacy records at Slagle Pharmacy were deficient and that Respondent had dispensed refills of prescriptions without prescriber authorization and in excess of the legal limits for refills. Respondent received a verbal warning from board investigator E. Ray Shelden on or about February 12, 1996.
2. On February 19, 1997, the Board received a report from the health facilities division of the Iowa Department of Inspections which alleged that Respondent and Slagle Pharmacy were providing substandard pharmacy services to nursing home residents who were not receiving medications as ordered by physicians.
3. During a pharmacy inspection and controlled substance mini-audit of Slagle Pharmacy on June 3, 1997, it was observed that Respondent had made changes to six (6) Schedule II controlled substance prescriptions either without prescriber authorization or without proper documentation of such authorization. The inspection also revealed numerous deficiencies that had been documented during previous routine inspections of Slagle Pharmacy, including the following: a failure to properly record receipt and distribution of Schedule II controlled substances on DEA form 222, a failure to remove and quarantine outdated drugs from the dispensing stock of Slagle Pharmacy, and a failure to maintain the required pharmacy reference library.
4. Sometime between June 12, 1997, and June 24, 1997, a Board investigator received information from "physician A" who alleged that Respondent had been dispensing refills of antihypertensive medication to a patient (patient #3) without prescriber authorization.
5. In early July 1997 a Board investigator received information from "physician B" which alleged that Respondent had been dispensing refills of prescription medications to two patients (patient # 4 and patient # 5) without prescriber authorization:
 - (a) The dispensing records of Slagle Pharmacy indicate that patient #4 received the drug Premarin® 0.625mg under prescription number 13180 a total of

eleven times *between March 16, 1991, and May 10, 1993*. Patient #4 also received the drug Premarin® 0.625mg under prescription number 42244 a total of *nineteen (19) times* between July 22, 1993, and June 13, 1994. Each prescription refill was for 50 tablets of Premarin® 0.625mg. A total of 950 tablets of Premarin® 0.625mg were allegedly dispensed to the patient in eleven months, between July 1993 and June 1994.

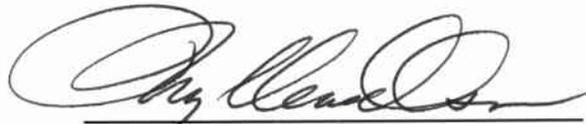
(b) Patient #5 received the drug Zestril® under prescription number 14475 a total of *thirty-five (35) times* between April 22, 1991, and March 7, 1996. Prescriber authorization for prescription number 14475 cannot be verified. Patient #5 also received Phenergan with Codeine Syrup®, a schedule V controlled substance, under prescription number 70036, a total of four (4) times *between October 4, 1995, and May 6, 1997*. Prescriber authorization for prescription number 70036 is unavailable.

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 14th day of October, 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**

Re: Pharmacist License of
MICHAEL J. SLAGLE
License No. 14596
Respondent

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**STIPULATION
AND
INFORMAL SETTLEMENT**

COMES NOW the Iowa Board of Pharmacy Examiners (the Board) and Michael J. Slagle, R.Ph. (Respondent) and, pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (1997), enter into the following Stipulation and Informal Settlement of the contested case currently on file:

1. Respondent was issued a license to practice pharmacy on the 1st day of July, 1975, by examination, as evidenced by license number 14596, which is recorded in the permanent records of the Board.
2. Iowa Pharmacist License Number 14596 issued to and held by Respondent is current and active until June 30, 1999.
3. Respondent is currently self-employed as the owner and pharmacist in charge of the Slagle Pharmacy in Wellman, Iowa.
4. A Statement of Charges and Notice of Hearing was filed against Respondent on October 14, 1997.
5. The Board has jurisdiction over the parties and the subject matter herein.

6. This Stipulation and Informal Settlement is executed as a compromise settlement of disputed claims.

7. Respondent's license to practice pharmacy is suspended for a period of six (6) months. The suspension is stayed, however, and the Respondent's license is placed on probation for a period of five (5) years from the date of approval of this Stipulation and Informal Settlement. During the probationary period the Respondent shall:

a. Obey all federal and state laws and regulations substantially related to the practice of pharmacy and the distribution of controlled substances and all federal and state criminal laws.

b. Respondent shall file sworn quarterly reports with the Board attesting to his compliance with all the terms and conditions of this Stipulation and Informal Settlement. The reports shall be filed not later than September 5, December 5, March 5, and June 5 of each year of the Respondent's probation. The quarterly reports shall include the Respondent's place of employment, current address, and any further information deemed necessary by the Board from time to time. Respondent's first quarterly report shall be filed with the Board not later than March 5, 1997.

c. Provide evidence of efforts to maintain skill and knowledge as a pharmacist through continuing education (CE) as directed by the Board.

d. Not supervise any registered intern and shall not perform any of the duties of a preceptor.

8. Within sixty (60) days of the date of approval of this Stipulation and Informal Settlement by the Board, the Respondent shall develop and submit to the Board, for its approval, a written policy and procedure for obtaining, recording, and maintaining patient information. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to this policy and procedure whenever engaging in the practice of pharmacy.

9. Within sixty (60) days of the date of approval of this Stipulation and Informal Settlement by the Board, the Respondent shall develop and submit to the Board, for its approval, a written policy and procedure for conducting prospective drug utilization review in the practice of pharmacy. The policy and procedure shall include a written protocol which describes the procedure for Respondent to follow when dispensing prescription medication upon receipt of a new prescription drug order or a refill request. The policy and procedure shall include all of 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 Respondent for the purpose of determining therapeutic appropriateness prior to the dispensing of any prescription medication by Respondent. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to this policy and procedure whenever engaging in the practice of pharmacy.

10. Within sixty (60) days of the date of approval of this Stipulation and Informal Settlement by the Board, the Respondent shall develop and submit to the Board, for its approval, a written policy and procedure for patient counseling. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to this policy and procedure whenever engaging in the practice of pharmacy.

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

12. Respondent shall pay a civil penalty of \$1,500.00 within 30 days of the date of approval of this Stipulation and Informal Settlement by the Board. Respondent shall deliver a check made payable to the Treasurer of the State of Iowa to the Executive Secretary/Director of the Board. The check shall be deposited into the general fund of the State of Iowa.

13. Respondent shall complete an additional eight (8) hours of continuing pharmacy education in prospective drug utilization review during the first twelve (12)

months of the probationary period. Each continuing education course taken by Respondent shall be pre-approved by the Board. Documentation of successful completion of each course shall be submitted to the Board. These courses are in addition to the thirty (30) hours of continuing education required for license renewal.

14. Respondent shall complete an additional eight (8) hours of continuing pharmacy education in patient counseling during the first twelve (12) months of the probationary period. Each continuing education course taken by Respondent shall be pre-approved by the Board. Documentation of successful completion of each course shall be submitted to the Board. These courses are in addition to the thirty (30) hours of continuing education required for license renewal.

15. Respondent shall take and successfully pass the Iowa Drug Law Exam (IDLE) and the Federal Drug Law Exam (FDLE) *or* the Multistate Pharmacy Jurisprudence Examination (MPJE) with a score of 75 or greater by October 1, 1999. Respondent may take the exams a maximum of three (3) times. Failure to pass the IDLE and FDLE or the MPJE by October 1, 1999, will be grounds to revoke probation and take additional disciplinary action.

16. Respondent shall notify any and all 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.

17. Should Respondent leave Iowa to reside in and practice pharmacy in another State, Respondent shall notify the Board in writing of the dates of departure and return. Periods of residence and practice outside the State shall not apply to reduction of the probationary period.

18. Should Respondent violate probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and carry out the stayed suspension. 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.

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

20. This Stipulation and Informal Settlement is subject to approval of a majority of the full Board. If the Board approves this Stipulation and Informal Settlement, it becomes the final disposition of this matter. If the Board fails to approve this Stipulation and Informal Settlement, it shall be of no force or effect to either party.

21. This Stipulation and Informal Settlement is voluntarily submitted by the Respondent to the Board for its consideration on the 8th day of January, 1998.

Michael J. Slagle
MICHAEL J. SLAGLE, R.Ph.
Respondent

Subscribed and Sworn to before me on this 8th day of January, 1998.

Linda S. Pickering
NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

22. This Stipulation and Informal Settlement is accepted by the Iowa Board of Pharmacy Examiners on the 3rd day of February, 1998.



PHYLLIS A. OLSON, 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
Des Moines, Iowa 50319

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2007-13
Pharmacist License of)	
MICHAEL J. SLAGLE,)	STATEMENT OF CHARGES
License No. 14596,)	
Respondent.)	

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

1. He is the Executive Director for the Iowa Board of Pharmacy (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 (2007).
3. On July 1, 1975 the Board issued Michael J. Slagle (hereinafter, "Respondent"), after examination, a license to engage in the practice of pharmacy in Iowa, as evidenced by license number 14596, subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's Iowa pharmacist license is current and active through June 30, 2009.
5. Respondent's address of record is Hy-Vee #1863, 2181 Logan Avenue, Waterloo, Iowa 50703. Recent information suggests Respondent's residence address is 707 Eighth Avenue, Wellman, Iowa 52356-9279.
6. At all material times, Respondent was employed as the pharmacist in charge by the Slagle Pharmacy, 230 Eighth Avenue, Wellman, Iowa.

A. CHARGES

COUNT I – LACK OF PROFESSIONAL COMPETENCY

Respondent is charged with a lack of professional competency, in violation of Iowa Code § 155A.12(1) (2007) and 657 Iowa Administrative Code § 36.1(4)(b), 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 – FALSIFICATION OF PHARMACY RECORDS

Respondent is charged pursuant to Iowa Code §§ 155A.12(1), 155A.12(4), 155A.23(1) and 155A.23(2) (2007), and 657 Iowa Administrative Code §§ 36.1(4)(i), 36.1(4)(u) and 36.1(4)(ac), with willfully violating laws related to maintenance of accurate prescription records by falsifying prescription records and information.

COUNT III – ILLEGAL DISTRIBUTION OF DRUGS

Respondent is charged pursuant to Iowa Code § 155A.12(1) (2007) and 657 Iowa Administrative Code § 36.1(4)(h) with distribution of drugs for other than lawful purposes; specifically, distribution of drugs, including controlled substances, to persons not possessing a prescription for the medication.

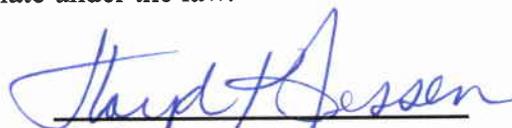
COUNT IV – VIOLATION OF CONTROLLED SUBSTANCES ACT

Respondent is charged pursuant to Iowa Code §§ 124.308, 155A.12(1) and 155A.12(5) (2007), and 657 Iowa Administrative Code §§ 36.1(4)(j) and 36.1(4)(u), with violations of the controlled substances act; specifically, distributing controlled substances to persons without a prescription for the medication.

B. CIRCUMSTANCES

Circumstances supporting the above charges are set forth in Attachment A.

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 4th day of March 2008, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.



PAUL ABRAMOWITZ, 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. 2007-13
Pharmacist License of)	
MICHAEL J. SLAGLE)	STIPULATION
License No. 14596)	AND
Respondent)	CONSENT ORDER

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2007), the Iowa Board of Pharmacy (hereinafter, “the Board”) and Michael J. Slagle (hereinafter, “Respondent”), enter into the following Stipulation and Consent Order settling a licensee disciplinary proceeding currently pending before the Board.

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 1, 1975, following examination, as evidenced by Pharmacist License Number 14596, which is recorded in the permanent records of the Board.
2. The Iowa Pharmacist License issued to and held by Respondent is current and active through June 30, 2009.
3. A Statement of Charges was filed against Respondent on March 4, 2008.
4. Respondent was, at times material to the Statement of Charges, employed as the pharmacist-in-charge at the Slagle Pharmacy, 230 Eighth Avenue, Wellman, Iowa.
5. The Board has jurisdiction over the parties and jurisdiction over the subject matter of these proceedings.
6. Respondent denies 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 set forth in the Statement of Charges, 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 license shall be placed on probation. The period of probation shall be five (5) years. Respondent's period of probation shall begin on the date of this order and continue for five (5) years or until Respondent has been employed as a pharmacist in Iowa for five (5) years subsequent to commencement of probation. Only those time periods during which Respondent is employed as a pharmacist in Iowa shall count toward satisfaction of the probation requirement. After successfully completing two (2) years of his probationary period – including providing to the Board all required quarterly reports – Respondent may petition the Board for reduction or termination of his probationary period.

8. 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 take and pass the Multi-State Pharmacy Jurisprudence Exam (MPJE), Iowa edition.

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 *typewritten*¹ pharmacy policies and procedures for obtaining and maintaining accurate

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

prescription information prior to the dispensing of prescription medications. Following review and approval by the Board, Respondent agrees to adopt, implement, and adhere to these policies and procedures in both his current employment setting – unless specific policies and procedures adopted by his employer prevent such adherence – and whenever engaging in the practice of pharmacy.

c. 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.

d. 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.

e. Respondent shall not serve as a preceptor.

f. 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.

g. 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 his present 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.

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

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

9. Upon the Board's approval of this Stipulation and Consent Order, Respondent shall be assessed a civil penalty in the amount of \$2500. This civil penalty payment shall be made payable to the Treasurer of Iowa and promptly mailed to the executive director of the Board. All civil penalty payments shall be deposited into the State of Iowa general fund.

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 (2007) and 657 IAC 36.

11. 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.

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

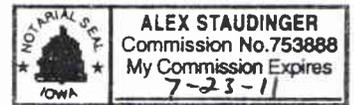
13. The Board's approval of this Stipulation and Consent Order shall constitute a FINAL ORDER of the Board in a disciplinary action.

This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 30 day of October 2008.

Michael J. Slagle
MICHAEL J. SLAGLE, R.Ph.
Respondent

Subscribed and sworn to before me by Michael J. Slagle on this 30th day of October 2008.

Alex Staudinger
NOTARY PUBLIC IN AND FOR
THE STATE OF IOWA



This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on the 19th day of Nov. 2008.

Leman Olson
LEMAN OLSON, 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 5031

Bruce L. Cook
8554 Alice Avenue,
Clive, Iowa 50325

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BEFORE THE BOARD OF PHARMACY STATE OF IOWA

IN THE MATTER OF THE STIPULATION AND CONSENT ORDER AGAINST

MICHAEL J. SLAGLE, R.Ph., RESPONDENT

2007-13

TERMINATION ORDER

DATE: April 27, 2011

1. On November 19, 2008, a Stipulation and Consent Order was issued by the Iowa Board of Pharmacy placing the license to practice pharmacy, number 14596 issued to Michael J. Slagle on July 1, 1975, on probation for a period of five years under certain terms and conditions.

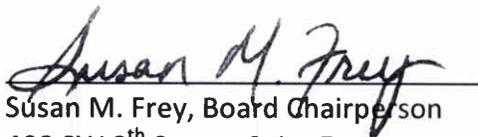
2. Respondent has successfully completed the probation as directed.

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 PHARMACY



Susan M. Frey, Board Chairperson
400 SW 8th Street, Suite E
Des Moines, Iowa 50309-4688