

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

Re:)
Pharmacy License of)
SLAGLE PHARMACY) **STATEMENT OF CHARGES**
License No. 512)
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 January 7, 1997, Slagle Pharmacy, the Respondent, was issued a renewal of general pharmacy license number 512 by the Board to engage in the operation of pharmacy, subject to the laws of the State of Iowa and the rules of the Board.
4. General pharmacy license number 512 is current until December 31, 1997.
5. Respondent currently operates a general pharmacy at 230 8th Avenue, Wellman, Iowa 52356.
6. Michael J. Slagle has been the pharmacist in charge of Slagle Pharmacy during all times relevant to this statement of charges.

COUNT I

The Respondent is charged under Iowa Code Sections 124.308, 155A.15(2)(c) and 155A.15(2)(d) (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.15(2)(c) and 657 Iowa Administrative Code § 8.18 with failing to maintain complete and accurate patient records.

COUNT IV

The Respondent is charged under Iowa Code § 155A.15(2)(c) and 657 Iowa Administrative Code § 8.19 with failing to conduct appropriate and effective prospective drug utilization review.

COUNT V

The Respondent is charged under Iowa Code § 155A.15(2)(c) and 657 Iowa Administrative Code § 8.20 with failing to conduct appropriate and effective patient counseling.

COUNT VI

The Respondent is charged under Iowa Code §§ 124.306, 124.307, 155A.15(2)(c), and 155A.15(2)(h) (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.

COUNT VII

The Respondent is charged with failure to remove and quarantine outdated drugs from dispensing stock in violation of 1997 Iowa Code § 155A.15(2)(c) and 657 Iowa Administrative Code Section 6.7(4).

COUNT VIII

The Respondent is charged with failure to maintain the required pharmacy reference library in violation of 1997 Iowa Code § 155A.15(2)(c) and 657 Iowa Administrative Code Section 6.3.

THE CIRCUMSTANCES

1. On November 16, 1995, the Board received a complaint from "physician-A" who alleged that Michael J. Slagle 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 Michael J. Slagle had dispensed refills of prescriptions without prescriber authorization and in excess of the legal limits for refills. Michael J. Slagle 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 Michael J. Slagle 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 Michael J. Slagle 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 Michael J. Slagle 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:	}	
Pharmacy License of	}	
SLAGLE PHARMACY	}	STIPULATION
License No. 512	}	AND
Michael J. Slagle,	}	CONSENT ORDER
Pharmacist in charge,	}	
Respondent	}	

On this 3rd day of February, 1998, the Iowa Board of Pharmacy Examiners and Slagle Pharmacy of Wellman, 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 October 14, 1997, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That Respondent's license to operate a pharmacy was renewed on the 10th day of December, 1997, as evidenced by General Pharmacy License Number 512, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That General Pharmacy License Number 512 issued to and currently held by Respondent is current and in full force until December 31, 1998.
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 October 14, 1997.

5. This Stipulation and Consent Order is entered into in order to resolve a disputed claim and constitutes no admission on the part of Respondent.

SECTION I

THEREFORE, IT IS HEREBY AGREED that Iowa General Pharmacy License Number 512 issued to Respondent is placed on probation for five (5) years. During the probationary period the Respondent shall obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy and the distribution of controlled substances and comply with the provisions of Section II.

SECTION II

1. Within thirty (30) days of the date of this Order, the Respondent shall pay a civil penalty of \$1500.00 by delivering 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.

2. Within sixty (60) days of the date of approval of this Stipulation and Consent Order by the Board, the Respondent will provide its written policies and procedures for the following: (a) obtaining, recording, and maintaining patient information; (b) patient counseling; (c) prospective drug use review; (d) refilling prescriptions, (e) utilizing and processing DEA 222 order forms, (f) handling outdated drugs, and (g) maintaining a pharmacy reference library. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to these policies and procedures.

3. The Respondent shall comply with all of the requirements contained in 657 Iowa Administrative Code chapter 6, "General Pharmacy Licenses," which became effective on November 12, 1997.

4. Respondent shall submit to random unannounced visits or inspections by the Board or agents of the Board to verify compliance with this Stipulation and Consent Order.

5. 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).

6. 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.

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

8. 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 full and final resolution of this matter.

9. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 8th day of January, 1998.

Michael J. Slagle
SLAGLE PHARMACY
Michael L. Slagle, R.Ph.,
Pharmacist in charge,
Respondent

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

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

10. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 3rd day of February, 1998.

Phyllis A. Olson
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
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