

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	
Non-Resident Pharmacy License of)	Case No. 2010-160
STERLING LONG TERM CARE)	
PHARMACY)	STATEMENT OF CHARGES
License No. 3823,)	
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 (2011).
3. Effective November 15, 2011, the Board renewed Respondent's general pharmacy license number 3823 for Sterling Long Term Care Pharmacy (hereinafter, "Respondent"), allowing Respondent to engage in the operation of a pharmacy, subject to the laws of the State of Iowa and the rules of the Board.
4. General pharmacy license number 3823 is current until December 31, 2012.
5. At all times material to this statement of charges, Respondent was operating a general pharmacy at 1601 State Avenue Northwest, Owatonna, Minnesota 55060, with Charles Olson as the pharmacist in charge.

A. CHARGE

COUNT I – OPERATING WITHOUT A LICENSE

Respondent is charged under Iowa Code § 155A.15(1) (2011) and 657 Iowa Administrative Code § 36.1(4)(j) with operating as a non-resident pharmacy in Iowa without a non-resident pharmacy license.

B. CIRCUMSTANCES

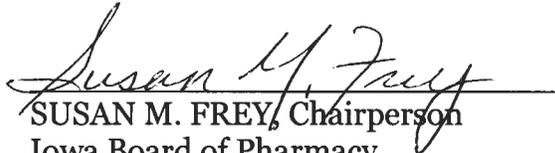
An investigation was commenced on December 28, 2010 which revealed the following:

1. At all times material to this Statement of Charges, Respondent was operating a general pharmacy at 1601 State Avenue Northwest, Owatonna, Minnesota 55060, with Charles Olson as the pharmacist in charge.
2. Respondent's non-resident pharmacy license expired on December 31, 2010.
3. Following expiration, Respondent provided medications to nursing facilities in Northern Iowa. Respondent operated in Iowa without a license during most of 2011 until an inquiry from the Board prompted license renewal.
4. Respondent renewed its license on November 15, 2011.

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 7th day of March 2012, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.


SUSAN M. FREY, 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. 2010-160
Non-Resident Pharmacy License of)	
STERLING LONG TERM CARE)	STIPULATION
PHARMACY,)	AND
License No. 3823,)	CONSENT ORDER
Respondent.)	

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011), the Iowa Board of Pharmacy (hereinafter, "Board") and Sterling Long Term Care Pharmacy (hereinafter, "Respondent") have agreed to settle a contested case currently on file with the Board. The Statement of Charges filed against Respondent on March 7, 2012 shall be resolved without a hearing, as the Board and Respondent stipulate to the following:

1. Respondent's license to operate a pharmacy in Iowa is evidenced by Non-resident Pharmacy License Number 3823, which is recorded in the permanent records of the Board.
2. Non-resident Pharmacy License Number 3823 is current and active until December 31, 2012.
3. The Board has jurisdiction over the parties and the subject matter herein.
4. A Statement of Charges was filed against Respondent on March 7, 2012.
5. Respondent has chosen not to contest the allegations contained in the Statement of Charges. Respondent acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline described herein.

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IOWA BOARD OF PHARMACY

6. On the date of the Board's approval of this Stipulation and Consent Order, Respondent's license shall be placed on probation for two (2) years, upon the following conditions:

- (a) Respondent agrees to abide by the terms of this agreement.
- (b) Respondent shall obey all federal and state laws, rules, and regulations substantially related to the operation of an Iowa pharmacy.
- (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 March 5, June 5, September 5 and December 5 of each calendar year and *shall include a description of Respondent's most recent efforts to comply with this Stipulation and Consent Order.* Respondent's quarterly reports shall identify the current person responsible for compliance with Iowa law, and provide any other information deemed to be necessary, from time to time, by the Board.

7. 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.

8. Should Respondent violate or fail to comply with any of the terms or conditions of this Stipulation and Consent Order, the Board may initiate further action to impose licensee discipline as authorized by Iowa Code chapters 272C and 155A (2011), and 657 Iowa Administrative Code § 36.1.

9. 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.

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

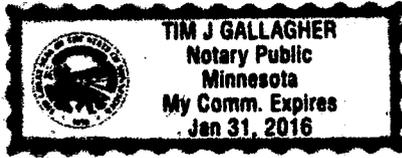
11. The State's counsel may present this Stipulation and Consent Order to the Board.

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

This Stipulation and Consent Order is voluntarily submitted by Sterling Long Term Care Pharmacy to the Iowa Board of Pharmacy for its consideration on this 17th day of April 2012.

STERLING LONG TERM CARE
PHARMACY
Respondent
By Charles F. Olson, R.Ph.
Pharmacist In Charge
CHARLES F. OLSON

Subscribed and sworn to before me by CHARLES F. OLSON, who has stated to me that he/she is the pharmacist in charge of Sterling Long Term Care Pharmacy and is authorized to sign this Stipulation and Consent Order on behalf of Sterling Long Term Care Pharmacy on this 17th day of APRIL 2012.




NOTARY PUBLIC IN AND FOR THE
STATE OF MINNESOTA

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on this 27th day of April 2012.


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

cc: Scott M. Galenbeck
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

Steven Hovey, Atty.
807 West Oakland Avenue
Austin, Minnesota 55912

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