

BEFORE THE IOWA BOARD OF PHARMACY

Re:)
Pharmacy License of)
TARGET STORE T-1170)
License No. 1065,)
Respondent.)

Case No. 2010-125

STATEMENT OF CHARGES

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

1. He is the Executive Director for the Iowa Board of Pharmacy 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 December 17, 2010, the Board renewed general pharmacy license number 1065 for Target Store T-1170 (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. At all times material to this statement of charges, Respondent was operating a general pharmacy at 320 South Duff, Ames, Iowa 50010 with Scott Sitzman as the pharmacist in charge.

A. CHARGE

COUNT I – LACK OF COMPETENCY

Respondent is charged under Iowa Code § 155A.15(2)(c) (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.15(2)(b) (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 operates a general pharmacy at 320 South Duff, Ames, Iowa 50010 with Scott Sitzman as the pharmacist in charge.
2. Beginning in 2006, Respondent employed Stephenie L. Owen as a pharmacist.
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 in Respondent-pharmacy 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 Respondent.
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 8th day of March, 2011, 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 Nos. 2010-125
Pharmacy License of)	
TARGET STORE T-1170,)	STIPULATION
License No. 1065,)	AND
Respondent.)	CONSENT ORDER
)	

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011), the Iowa Board of Pharmacy (hereinafter, "Board") and Target Store T-1170 (hereinafter, "Respondent") have agreed to settle a contested case currently on file with the Board. The Statement of Charges filed against Respondent on March 8, 2011 shall be resolved without a hearing, as the Board and Respondent stipulate to the following:

1. Respondent's license to operate a general pharmacy in Iowa is evidenced by Pharmacy License Number 1065, which is recorded in the permanent records of the Board.
2. Pharmacy License Number 1065 is current and active until December 31, 2011.
3. The Board has jurisdiction over the parties and the subject matter herein.
4. A Statement of Charges was filed against Respondent on March 8, 2011.
5. 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.

6. On the date of the Board's approval of this Stipulation and Consent Order, Respondent's license shall be placed on probation for one (1) year, 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) 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*¹ pharmacy policies and procedures regarding (1) appropriate handling of controlled substances and (2) maintenance of inventory controls and security sufficient to prevent diversion of controlled substances.
- (d) Following review and approval by the Board, Respondent agrees to adopt, implement, and adhere to these policies and procedures
- (e) 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.* Respondent's quarterly reports shall identify the current person responsible for

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

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 \$5000. 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.

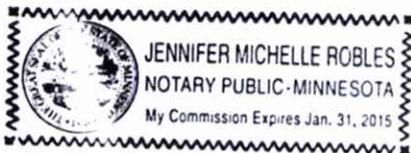
11. The State's counsel may present this Stipulation and Consent Order to the Board.

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 Target Store T-1170 to the Iowa Board of Pharmacy for its consideration on this 7 day of November 2011.

TARGET STORE T-1170
Respondent
By [Signature]
Dave Caspers
Vice President of Pharmacy Operations
Target Corporation

Subscribed and sworn to before me by Dave Caspers, who has stated to me that he is a Vice President at Target Corporation and is authorized to sign this Stipulation and Consent Order on behalf of Target Store T-1170 on this 7th day of November 2011.



[Signature]
NOTARY PUBLIC IN AND FOR THE
STATE OF MINNESOTA

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on this 11th day of November 2011.

[Signature]
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

Office of the Attorney General
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Des Moines, Iowa 50319

Andrew Anderson
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801 Grand Avenue, Suite 3100
Des Moines, IA 50309

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BEFORE THE BOARD OF PHARMACY STATE OF IOWA

**IN THE MATTER OF THE STIPULATION AND CONSENT ORDER AGAINST
TARGET STORE T-1170, RESPONDENT**

2010-125

TERMINATION ORDER

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 operate a pharmacy, number 1065 issued to Target Store T-1170, on probation for a period of one year under certain terms and conditions.

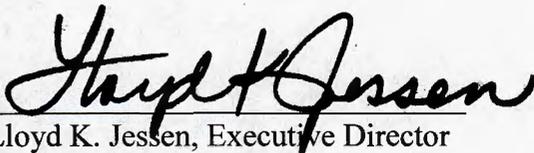
2. Respondent has successfully completed the probation as directed.

3. The Board directed that the probation placed upon the Respondent's license to operate a pharmacy should be terminated.

IT IS HEREBY ORDERED:

That the probation placed upon the Respondent's license to operate a 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 8th Street, Suite E
Des Moines, Iowa 50309-4688