

**BEFORE THE IOWA BOARD OF PHARMACY**

Re: )  
Pharmacist License of )  
**MARY K. THOMSEN** )  
License No. 13808, )  
Respondent. )

Case No. 2008-115

**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 10, 1970, the Board issued Mary K. Thomsen (hereinafter, "Respondent"), after examination, a license to engage in the practice of pharmacy as evidenced by license number 13808, 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 December 30, 2009.
5. Respondent's address of record is 5111 Hamilton, Omaha, Nebraska 68132.
6. At all times material to this statement of charges, Respondent was employed as a pharmacist at W. Pharmacy, Omaha, Nebraska.

**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 – VIOLATING LAWS OF ANOTHER JURISDICTION

Respondent is charged under Iowa Code §§ 155A.12(1) and 155A.12(8) (2007), and 657 Iowa Administrative Code § 36.1(4)(ad), with violating the drug laws or rules of Nebraska while under Nebraska's jurisdiction.

## COUNT III – FAILURE TO TIMELY REPORT DISCIPLINARY ACTION

Respondent is charged under Iowa Code § 155A.12(1) (2007), and 657 Iowa Administrative Code § 36.1(4)(k), with failing to report to the Board the final decision and disciplinary sanction of a licensing authority in another state within thirty days of that decision.

### B. CIRCUMSTANCES

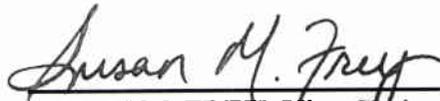
On October 21, 2008 an investigation was commenced, revealing the following:

1. At all times material to these charges, Respondent was practicing pharmacy in Omaha, Nebraska.
2. Respondent dispensed, for a 5 year old child, Risperdal 2.5 mg, rather than the 0.25 mg dose called for on the prescription.
3. Respondent was charged with unprofessional conduct – specifically, the failure to conduct an adequate drug utilization review – by the Nebraska Department of Health and Human Services.
4. Respondent reached a disciplinary settlement agreement with the Nebraska Department of Health and Human Services on July 15, 2008. The settlement agreement provided that Respondent would complete the University of Florida, College of Pharmacy's twelve hour course on basic error prevention technique. The course was to be completed within six months of July 15, 2008.
5. The Board did not receive notification, from Respondent, of her Nebraska discipline.

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 17 day of August 2009, 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, Vice Chair  
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**

	)	Case No. 2008-115
Re:	)	
Pharmacist License of	)	<b>STIPULATED</b>
<b>MARY K. THOMSEN</b>	)	<b>CITATION AND</b>
License No. 13808	)	<b>WARNING</b>
Respondent	)	

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2009), the Iowa Pharmacy Board (hereinafter, "Board") and Mary K. Thomsen (hereinafter, "Respondent"), enter into the following Stipulated Citation and Warning, settling a licensee disciplinary proceeding currently pending before the Board.

Allegations specified 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 December 1, 1970, as evidenced by Pharmacist License Number 13808, 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, 2011.
3. Respondent was, at all times material to the Statement of Charges, employed as a pharmacist in Omaha, Nebraska.
4. A Statement of Charges against Respondent was adopted by the Board on August 17, 2007.

5. The Board has jurisdiction over the parties and jurisdiction over the subject matter of these proceedings.
6. Respondent has chosen not to contest the allegations set forth in the Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline described herein.
7. As a part of this Stipulated Citation and Warning, Respondent agrees that, within sixty (60) days after the date of the Board's approval of this Stipulated Citation and Warning, Respondent shall complete not less than four (4) hours of formal, structured continuing pharmacy education ("CPE") which shall be pre-approved by the Board. The CPE shall focus on avoidance of dispensing errors. 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.
8. Upon the Board's approval of this Stipulated Citation and Warning, Respondent shall be assessed a civil penalty in the amount of \$250. This civil penalty shall be paid promptly after the Board's approval of this Stipulated Citation and Warning, and shall be made payable to the Treasurer of Iowa and mailed to the executive director of the Board. All civil penalty payments shall be deposited into the State of Iowa general fund.
9. Should Respondent violate or fail to comply with any of the terms and conditions of this Stipulated Citation and Warning, the Board may initiate action to revoke or suspend Respondent's Iowa pharmacist license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2009) and 657 IAC 36.
10. This Stipulated Citation and Warning is the resolution of a contested case. By entering

into this Stipulated Citation and Warning, Respondent waives all rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to this Stipulated Citation and Warning.

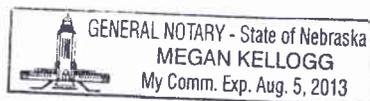
12. The State's legal counsel may present this Stipulated Citation and Warning to the Board.
12. This proposed settlement is subject to approval by a majority of the full Board. If the Board fails to approve this settlement, it shall be of no force or effect to either the Board or Respondent. If the Board approves this Stipulated Citation and Warning, it shall be the full and final resolution of this matter.
13. The Board's approval of this Stipulated Citation and Warning shall constitute a FINAL ORDER of the Board in a disciplinary action.

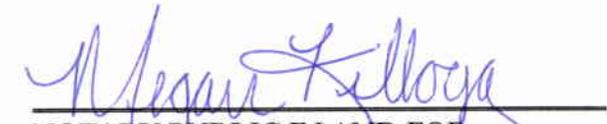
This Stipulated Citation and Warning is voluntarily submitted by Respondent to the Board for its consideration on the 6<sup>th</sup> day of February 2010.

 R.Ph.

MARY K. THOMSEN, R.Ph.  
Respondent

Subscribed and sworn to before me by Mary K. Thomsen on this 6 day of February 2010.



  
NOTARY PUBLIC IN AND FOR  
THE STATE OF NEBRASKA

This Stipulated Citation and Warning is accepted by the Iowa Pharmacy Board on the 10<sup>th</sup> day of March 2010.

**VERNON H. BENJAMIN,**

**Chairperson**

**Iowa Pharmacy Board  
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**

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