

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

Re:)	Case No. 2005-92
Pharmacy License of)	
THORSON DRUG)	STATEMENT OF CHARGES
License No. 457)	
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 (2005).
3. Effective January 3, 2006, the Board renewed Respondent's general pharmacy license number 457, 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 457 is current until December 31, 2006.
5. Respondent is currently operating a general pharmacy at 233 Reed Street, Akron, Iowa 51001, with Martha Morin as the pharmacist in charge.

A. THE CHARGES

COUNT I – LACK OF PROFESSIONAL COMPETENCY

Respondent is charged with a lack of professional competency, in violation of Iowa Code § 155A.15(2)(c) (2005) 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 – ILLEGAL DISTRIBUTION OF DRUGS

Respondent is charged with distribution of drugs for other than lawful purposes, in violation of Iowa Code § 155A.15(2)(d) (2005) and 657 Iowa Administrative Code § 36.1(4)(h), including distribution of prescription drugs and controlled substances to the family of the pharmacist-in-charge in the absence of a prescription.

COUNT III – INADEQUATE RECORD KEEPING

Respondent is charged with inadequate record keeping, including inadequate record keeping relating to controlled substances, in violation of Iowa Code §§ 124.306, 124.308(3),

155A.15(2)(h) and 155A.27 (2005), and 657 Iowa Administrative Code §§ 6.2, 6.8, 8.15 and 36.1(4)(ac), and 21 CFR 1304.11 & 1306.22(b)(3).

COUNT IV – INADEQUATE CONTROLS OVER CONTROLLED SUBSTANCES

The Respondent is charged with failing to maintain accurate control over and accountability for drugs, including controlled substances, in violation of Iowa Code §§ 124.308(3), 124.402(1)(a) and 155A.15(2)(i) (2005) and 657 Iowa Administrative Code § 6.7.

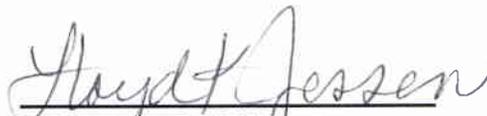
COUNT V – VIOLATION OF CONTROLLED SUBSTANCES LAWS

Respondent is charged with a failure to comply with controlled substances laws, in violation of Iowa Code §§ 124.306, 124.308, 124.402 and 155A.15(2)(c) (2005) and 657 Iowa Administrative Code § 36.1(4)(j).

B. CIRCUMSTANCES

The 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 Secretary/Director

On this 26 day of January 2006, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.


MICHAEL J. SEIFERT, Chairperson
Iowa Board of Pharmacy Examiners
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 50319

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

Re:)	Case No. 2005-92
Pharmacy License of)	
THORSON DRUG INC.)	STIPULATION
License No. 457)	AND
Respondent)	CONSENT ORDER

Pursuant to Iowa Code §§ 17A.10 and 272C.3 (4) (2005) the Iowa Board of Pharmacy Examiners (hereinafter, “the Board”) and Thorson Drug Inc. (hereinafter, “Respondent”), enter into the following Stipulation and Consent Order settling a licensee disciplinary proceeding currently pending before the Iowa Board of Pharmacy Examiners.

Allegations specified in a Statement of Charges filed against Respondent shall be resolved without proceeding to hearing, pursuant to the following Stipulation:

1. Respondent’s license to operate a pharmacy in Iowa was renewed on January 3, 2006, as evidenced by General Pharmacy License Number 457, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. General Pharmacy License Number 457, issued to and held by Respondent, is active and current until December 31, 2006.
3. A Statement of Charges was filed against Respondent on January 27, 2006.
4. The Board has jurisdiction over Respondent and the subject matter herein.
5. For the purposes of this Stipulation and Consent Order, Respondent does not contest the allegations set forth in the Statement of Charges. Respondent accepts, pursuant to 657 I.A.C. 36.1(2)(j), this Stipulation and Consent Order for alleged (1) violations relating to diversion and distribution of prescription drugs and

controlled substances, (2) failure to maintain accurate control over and accountability for drugs, including controlled substances, (3) record keeping violations relating to controlled substances, (4) violations of controlled substance laws, and (5) failure to conform to, the minimal standard and acceptable and prevailing practice of pharmacy.

6. Upon the date of the Board's approval of this Stipulation and Consent Order, Respondent's license shall be placed on probation for a period of five years, under the following terms and conditions:

- a. Respondent shall agree to comply with the terms of probation.
- b. The period of probation shall be five (5) years.
- c. Respondent shall file written, sworn quarterly reports with the Board attesting to her compliance with all the terms and conditions of the order. The reports shall be filed not later than March 5, June 5, September 5, and December 5 of each year of the Respondent's probation. The report shall include Respondent's address, telephone number, and Respondent's most recent efforts to implement the provisions of this Stipulation and Consent Order, and any further information deemed necessary by the Board.
- d. Respondent shall obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy.
- e. To facilitate compliance with the provisions of paragraph "e" above, Respondent shall provide the Board with a signed copy of the pharmacy's biennial controlled substance inventory within 10 days of the date that the biennial inventory is taken.
- f. Within sixty (60) days after the date of the Board's approval of this Stipulation and Consent Order, Respondent will propose to the Board typewritten pharmacy policies and procedures for the following: (1) controlled substances handling, including record-keeping, disposal, security and completion of the required biennial controlled substances inventory, (2) shipping and delivery of prescription drugs, and (3) unit dose drug distribution and long term-care pharmacy practice. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to these policies and procedures.
- g. Respondent shall appear informally before the Board, upon the request of the Board, for the purpose of reviewing Respondent's performance as a pharmacy during the probationary period. Respondent shall be given reasonable notice of the date, time and place for the appearances.

7. Upon the Board's approval of this Stipulation and Consent Order, Respondent shall be assessed a civil penalty in the amount of \$2,500. This civil penalty payment 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.
8. Should the Respondent violate or fail to comply with any of the terms and conditions of this Stipulation and Consent Order, the Board may initiate action to revoke or suspend Respondent's Iowa general pharmacy license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2003) and 657 IAC 36.
9. This Stipulation and Consent Order is the resolution of a licensee disciplinary proceeding currently pending before the Iowa Board of Pharmacy. 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 Stipulation and Consent Order, 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.
11. 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 22 day of Aug 2006.

Martha A. Morin
Martha A. Morin, R.Ph., P.I.C.
on behalf of Thorson Drug Inc., Respondent

State of Iowa

County of Plymouth

Signed and sworn (or affirmed) before me

on Aug. 22, 2006,
Date

by Martha A. Morin,
Name(s) of Person(s)

9-14-07

Lou L. Martin
Signature of Notary Public

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 13 day of September 2006.

Michael J. Seifert
MICHAEL J. SEIFERT,
Chairperson
Iowa Board of Pharmacy Examiners
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck
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