

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

Re:)	
Pharmacy License of)	
UNION FAMILY PHARMACY	)	STATEMENT OF CHARGES
License No. 192)	
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 (1999).
3. On December 14, 1998, the Board renewed Respondent's general pharmacy license number 192 with Charles G. Wiebke as pharmacist in charge, allowing Respondent 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 192 is current until December 31, 1999.
5. Respondent is currently operating a general pharmacy at 2541 Central Avenue, Dubuque, Iowa 52001, with Charles G. Wiebke as the pharmacist in charge.

COUNT I

The Respondent is charged under Iowa Code § 155A.15(2)(c) (1999) and 657 Iowa Administrative Code §§ 6.2(1)(a) & (b), 8.20, 36.1(4)(b)(4) with failure to ensure that its pharmacists provide adequate patient counseling as specified in rule 657 Iowa Administrative Code § 8.20.

COUNT II

The Respondent is charged under Iowa Code § 155A.15(2)(c) (1999) and 657 Iowa Administrative Code §§ 6.2(1)(a) & (b), 8.20, 36.1(4)(b)(4) with failure to ensure that its pharmacists provide adequate patient counseling as specified in rule 657 Iowa Administrative Code § 8.20.

THE CIRCUMSTANCES

1. During a shopper survey conducted by Board investigators at Union Family Pharmacy on June 15 and 16, 1999, Board investigators discovered that the pharmacists at the pharmacy have not been collecting information about other prescription and over the counter drugs a patient is taking, making it difficult for pharmacists at the pharmacy to conduct prospective drug review of the therapeutic appropriateness of the patient's drug therapy as required by Board rule 8.19.
2. During a shopper survey conducted by Board investigators at Union Family Pharmacy on June 15 and 16, 1999 Board investigators discovered that the pharmacists at the pharmacy do not routinely provide oral counseling to patients receiving new prescriptions and the pharmacy's practice has been to include information about contacting the pharmacist for consultation only on written information provided to patients receiving prescriptions by mail.

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 16th day of July, 1999, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.


Arlan D. VanNorman, Chairperson
Iowa Board of Pharmacy Examiners
1209 East Court Avenue
Des Moines, Iowa 50319

cc: Shauna Russell Shields
Assistant 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)	
UNION FAMILY PHARMACY	)	STIPULATION
License No. 192	)	AND
Respondent	)	CONSENT ORDER
)	

COME NOW the Iowa Board of Pharmacy Examiners (“the Board”) and Union Family Pharmacy, R.Ph. (“Respondent”) and, pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (1999), enter into the following Stipulation and Consent Order settling the contested case currently on file:

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 July 16, 1999, 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 general pharmacy in Iowa was renewed on the fourteenth day of December, 1998, as evidenced by Pharmacy License Number 192, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacy License Number 192, issued to and held by Respondent is active and current until December 31, 1999.

3. Respondent is currently operating a general pharmacy at 2541 Central Avenue, Dubuque, Iowa 52001.
4. A Statement of Charges was filed against Respondent on July 16, 1999.
5. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.
6. This Stipulation and Consent Order is entered into in order to resolve disputed claims and constitutes no admission on the part of the Respondent.
7. Respondent's license shall be placed on probation for six (6) months, with the following conditions, beginning on the date this Stipulation and Consent Order is accepted by the Board:
 - a. Within sixty (60) days of the date of approval of this Stipulation and Consent Order by the Board, the Respondent will provide its *typewritten* policies and procedures for the following: (a) obtaining, recording, and maintaining patient information, (b) patient counseling, and (c) prospective drug use review. The typewritten policies and procedures shall relate to Respondent's practice of pharmacy in his current work setting. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to these policies and procedures whenever engaging in the practice of pharmacy.
 - b. During probation, Respondent shall file sworn quarterly reports with the Board attesting to its compliance with all the terms and conditions of this Stipulation and Consent Order. The reports shall be filed not later than

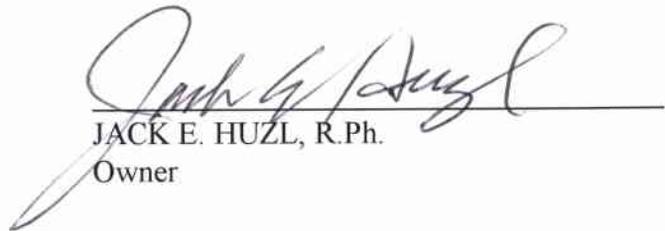
December 5, 1999 and March 5, 2000. The quarterly reports shall identify the current pharmacist in charge and all staff pharmacists and any further information deemed necessary by the Board from time to time.

8. The Respondent shall comply with all of the requirements contained in 657 Iowa Administrative Code chapter 6, "General Pharmacy Licenses," and shall obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy.
9. Respondent shall submit to random unannounced visits or inspections by the Board or agents of the Board to verify compliance with this Order.
10. Should Respondent violate or fail to comply with any of the terms or conditions of this Stipulation and Consent Order, the Board may initiate action to revoke or suspend the Respondent's Iowa pharmacy license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A and 657 IAC 36.1.
11. 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.
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 party. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.
13. 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.

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

15. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 17 day of August, 1999.


JACK E. HUZL, R.Ph.
Owner


CHARLES G. WIEBKE, R.Ph.,
Pharmacist in Charge

Subscribed and sworn to before me by Jack E. Huzl, owner of Union Family Pharmacy, and Charles G. Wiebke, Pharmacist in Charge of Union Family Pharmacy on this 17 day of August, 1999.




NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

16. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 15th day of Sept., 1999.



ARLAN D. VAN NORMAN, Chairperson
Iowa Board of Pharmacy Examiners
Executive Hills West
1209 East Court Avenue
Des Moines, Iowa 50319

cc: Shauna Russell Shields
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:	)	Case No. 2003-71
Controlled Substance Registration of:)	
UNION FAMILY PHARMACY	)	EMERGENCY ORDER AND
Registration No. 1106506	)	ORDER TO SHOW CAUSE
Respondent)	

**TO: Union Family Pharmacy
2541 Central Avenue
Dubuque, IA 52001**

NOTICE: Pursuant to the provisions of Iowa Code chapter 124 (2003) and 657 Iowa Administrative Code 10.12(9), controlled substance registration number 1106506, issued to Union Family Pharmacy, is hereby suspended.

NOTICE: Pursuant to the provisions of Iowa Code chapter 124 (2003) and 657 Iowa Administrative Code 10.12(124), you are hereby ordered to appear before the Iowa Board of Pharmacy Examiners and show cause why controlled substance registration number 1106506, issued to Union Family Pharmacy, should not be revoked. IF YOU DESIRE A HEARING REGARDING REVOCATION OF THIS CONTROLLED SUBSTANCE REGISTRATION, YOU MUST FILE A REQUEST FOR A HEARING BEFORE THE BOARD WITHIN THIRTY (30) DAYS OF ISSUANCE OF THIS ORDER.

I. JURISDICTION

Pursuant to Iowa Code Chapter 124 (2003) and 657 Iowa Administrative Code 10.12(124), the Iowa Board of Pharmacy Examiners (hereinafter, "Board") has jurisdiction over those who manufacture, distribute, and dispense controlled substances in Iowa. On May 20, 2002, the Board issued Union Family Pharmacy (hereinafter, "Respondent"), controlled substance registration number 1106506, subject to the laws of the State of Iowa and the rules of the Board. Respondent has been engaged in the operation of a pharmacy at 2541 Central Avenue, Dubuque, Iowa 52001, at all times material to

these proceedings.

II. BASIS FOR EMERGENCY ORDER AND ORDER TO SHOW CAUSE

1. Respondent's authority for possessing, distributing, and dispensing controlled substances pursuant to Iowa Code chapter 124 is dependent on possession of a license to operate a pharmacy in Iowa.
2. Respondent's license to operate a pharmacy in Iowa was suspended by the Board, by emergency adjudication action, on September 12, 2003.
3. As a result of that emergency adjudication action, the Board finds that Respondent no longer has authority under the Iowa Uniform Controlled Substances Act, Iowa Code chapter 124 and Respondent's registration is inconsistent with the public interest.

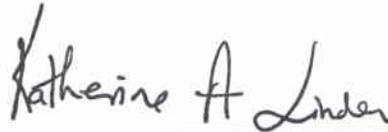
III. ORDER

1. Respondent Union Family Pharmacy is hereby ordered to return the certificate of registration, number 1106506, to the Board.
2. Respondent Union Family Pharmacy is hereby ordered to deliver all controlled substances in the registrant's possession to the Board or authorized agent of the Board.
3. Respondent Union Family Pharmacy is hereby ordered to appear before the Iowa Board of Pharmacy Examiners and show cause why controlled substance registration number 1106506, issued in Respondent's name, should not be revoked. If Respondent wishes to have a hearing before the Board in response to this Order, Respondent must notify the Board within thirty (30) days of the date of this Order. Respondent's request for a hearing should be directed to Lloyd Jessen, Executive Secretary/Director, Iowa Board of Pharmacy Examiners, 400 S.W. Eighth

Street, Suite E, Des Moines, Iowa 50309-4688. The Board telephone number is (515) 281-5944.

IF RESPONDENT DOES NOT REQUEST HEARING IN THIS MATTER WITHIN THIRTY DAYS OF THE DATE OF THIS ORDER, RESPONDENT'S CONTROLLED SUBSTANCE REGISTRATION WILL BE REVOKED.

IT IS SO ORDERED THIS 12th day of September, 2003.

A handwritten signature in cursive script that reads "Katherine A. Linder". The signature is written in black ink and is positioned above a horizontal line.

Katherine A. Linder, Chairperson
Iowa Board of Pharmacy Examiners

cc: Scott Galenbeck, Assistant Iowa Attorney General
Drug Enforcement Administration, Des Moines

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

Re:	)	Case No. 2003-71
Pharmacy License of)	
UNION FAMILY PHARMACY	)	EMERGENCY ORDER
License No. 192)	
Respondent)	

I. JURISDICTION

Respondent Union Family Pharmacy possesses general pharmacy license number 192, issued by the Iowa Board of Pharmacy Examiners (hereinafter, "Board"). The Board has jurisdiction over pharmacy licensees pursuant to Iowa Code Chapters 147, 155A and 272C (2003).

A Statement of Charges was filed against Respondent on September 12, 2003. After receipt and review of the Statement of Charges, and careful review of evidence relating to the operations of Respondent, the Board has adopted the following Findings of Fact and Conclusions of Law.

II. FINDINGS OF FACT

1. Effective December 11, 2002, the Board renewed Respondent's general pharmacy license number 192 with Charles Wiebke as pharmacist in charge, 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.

2. Respondent is currently operating a general pharmacy at 2541 Central Avenue, Dubuque, Iowa.

3. On or about September 9, 2003, the Board commenced an investigation of Respondent, which revealed that Respondent has failed to comply with the minimum standards for the practice of pharmacy in the State of Iowa and has, thereby, placed patients at high risk for harm.

4. The Board finds that the evidence assembled during the investigation of Respondent supports the September 12, 2003, Statement of Charges against Respondent. The Board finds that Respondent has violated the provisions of Iowa Code Chapter 124 and 155A, Chapter 657 of the Iowa Administrative Code, and 21 Code of Federal Regulations in the manner alleged in the Statement of Charges.

5. The Board finds that the public health, safety and welfare is endangered by Respondent in that Respondent is:

a. Dispensing controlled substances and prescription drugs in an illegal and improper manner, which places patients at high risk for harm due to failure to meet the minimum standards for the practice of pharmacy.

b. Dispensing controlled substances and prescription drugs without complete patient information, including a patient's known allergies; known drug reactions; known chronic conditions or disease states; and the identity of any other drugs, over-the-counter drugs, herbals, other alternative medicines, or devices currently being used by a patient.

c. Dispensing controlled substances and prescription drugs without adequate prospective drug utilization review and thereby failing to identify drug overutilization or underutilization; therapeutic duplication; drug-disease contraindication; drug-drug interaction; incorrect drug dosage; incorrect duration of drug treatment; drug-allergy

interaction; clinical abuse/misuse; and drug-prescriber contraindication.

- d. Failing to provide oral patient counseling on new Internet prescriptions.
- e. Failing to provide and document the final verification for the accuracy, validity, completeness, and appropriateness of a patient's prescription prior to the delivery of the medication to Internet purchasers.
- f. Failing to ensure that the prescription drug order has been issued for a legitimate medical purpose by an authorized practitioner acting in the usual course of the practitioner's professional practice.
- g. Failing to verify and ensure the legitimacy of the prescriber-patient relationship prior to dispensing prescription drugs.
- h. Failing to take adequate measures to guard against the diversion of prescription drugs and controlled substances.
- i. Failing to comply with pharmacy licensing requirements of other U.S. jurisdictions prior to delivering prescription drugs to residents of other U.S. jurisdictions.
- j. Failing to utilize pharmacy technicians and other supportive personnel in compliance with Iowa pharmacy laws and Board rules.
- k. Failing to ensure that all pharmacy technicians wear a visible name badge while on duty that clearly identifies the individual as a pharmacy technician.
- l. Failing to ensure that the pharmacy employs an adequate number of qualified personnel commensurate with the size and scope of services provided by the pharmacy.

- m. Failing to meet the minimum standards for security of the prescription department.
- n. Failing to verify the authenticity, including source of origin, of electronically transmitted prescription drug orders.
- o. Failing to comply with the minimum standards for electronic transmission of prescriptions, which currently prohibit computer-to-computer transmission of a controlled substance prescription.
- p. Failing to ensure that an electronically transmitted prescription drug order identifies the transmitter's telephone number for verbal confirmation, the time and date of transmission, and the pharmacy intended to receive the transmission.
- q. Failing to comply with requirements for sales without a prescription of Schedule V controlled substances.
- r. Failing to comply with pharmacy record keeping requirements.
- s. Failing to ensure that an electronically transmitted prescription drug order is properly signed with a valid electronic signature.
- t. Failing to maintain current pharmacy references.
- u. Failing to provide complete and proper documentation for all processed prescription drug orders.
- v. Failing to maintain a permanent log of the unique initials or identification codes, which identify by name each pharmacist and pharmacy technician involved in dispensing processes.

w. Failing to comply with the prohibition against advertising of controlled substances, including pricing.

x. Failing to report a significant loss or theft of controlled substances.

y. Failing to ensure that all prescription drug orders for controlled substances comply with federal and state requirements pertaining to form.

z. Failing to conform to the minimal standard of acceptable and prevailing practice of pharmacy and failing to adhere to the minimum standards of learning or skill ordinarily possessed and applied by other pharmacists in the State of Iowa acting in the same or similar circumstances.

6. The Board further finds that the public health, safety and welfare are endangered by Respondent's failure to control access to prescription drugs, including controlled substances.

7. The Board finds that immediate, emergency action must be taken because to allow Respondent pharmacy to continue to operate in the manner it has been operating, the public health, safety and welfare will be threatened by the illegal and unsafe distribution of controlled substances and prescription drugs to members of the public.

8. The Board finds that the minimum emergency action needed to protect the public health, safety and welfare is as follows:

a. Commencement of proceedings under Iowa Code Chapter 124 (2003) to permit seizure by the Board of all controlled substances currently in the possession of Respondent.

b. Seizure by the Board of all non-controlled prescription drugs in the possession of Respondent.

c. Issuance of an order immediately suspending pharmacy license number 192, issued to Union Family Pharmacy.

III. CONCLUSIONS OF LAW

Respondent is operating a pharmacy in violation of the provisions of 21 Code of Federal Regulation sections 1306.04 and 1306.05, Iowa Code sections 124.304(1)(d), 124.308(3), 124.402(1)(a), 155A.4(1), 155A.15, 155A.33, 155A.35, 205.3, and Chapter 657 of the Iowa Administrative Code.

IV. ORDER

The Board ORDERS as follows:

a. Proceedings under Iowa Code Chapter 124 (2003) shall be commenced to permit seizure by the Board of all controlled substances currently in the possession of Respondent.

b. Seizure of all non-controlled prescription drugs currently in the possession of Respondent.

c. Immediate suspension of pharmacy license number 192, issued to Union Family Pharmacy.

d. Hearing on this Emergency Order and the Statement of Charges, which have been filed concurrently with this Order, shall be held on October 9, 2003, at 9:00 a.m., and will be held at the Iowa Board of Pharmacy Examiners' office located at 400 SW Eighth Street, Suite E, Des Moines, Iowa 50309-4688.

IT IS SO ORDERED this 12th day of September 2003.



Katherine A. Linder, 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

39a Union Family Pharmacy EO

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

Re:	)	Case No. 2003-71
Pharmacy License of)	
UNION FAMILY PHARMACY	)	STATEMENT OF CHARGES
License No. 192)	
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 147, 155A and 272C (2003).
3. On December 11, 2002, the Board renewed Respondent's general pharmacy license number 192 with Charles Wiebke as pharmacist in charge, allowing Respondent to engage in the operation of a pharmacy subject to the laws of the State of Iowa, rules of the Board, and federal law and regulations.
4. General pharmacy license number 192 is current until December 31, 2003.
5. Respondent is currently operating a general pharmacy at 2541 Central Avenue, Dubuque, Iowa.

COUNT I

Respondent is charged under Iowa Code §§ 124.308(3), 124.402(1)(a), 155A.15(2)(c) and 155A.15(2)(d) and (h) (2003), and 657 Iowa Administrative Code §§ 6.2, 6.7 and 36.1(4)(u) with failing to maintain accurate control over and accountability for drugs, including controlled substances.

COUNT II

Respondent is charged under Iowa Code § 155A.15(2)(i) (2003) and 657 Iowa Administrative Code §§ 6.2(1)(a) and (b), 10.15, and 36.1(4)(u) with a failure to establish effective controls against diversion of prescription drugs and inadequate security.

COUNT III

Respondent is charged under Iowa Code § 155A.15(2)(d) with delivering prescription drugs to persons without proper legal authorization.

COUNT IV

Respondent is charged under Iowa Code § 155A.15(2)(h) with failing to keep and maintain records as required by the Controlled Substances Act.

COUNT V

Respondent is charged under Iowa Code § 155A.4(1) with allowing non-pharmacists to dispense prescription drugs.

COUNT VI

Respondent is charged under Iowa Code § 155A.33 with failing to properly supervise dispensing functions that are delegated to pharmacy technicians.

COUNT VII

Respondent is charged under Iowa Code § 155A.35 with failing to maintain complete patient records.

COUNT VIII

Respondent is charged under Iowa Code § 205.3 and 657 I.A.C. § 8.19 with failing to ensure that prescription drug orders have been issued for a legitimate medical purpose by an authorized practitioner acting in the usual course of the practitioner's professional practice.

COUNT IX

Respondent is charged under 657 I.A.C. § 8.11(5) with unethical conduct by participating in an agreement or arrangement with Pharmacom LLC/buymeds.com involving fee splitting or special charges in exchange for professional pharmaceutical services as compensation or inducement for placement of business or solicitation of patronage with Union Family Pharmacy.

COUNT X

Respondent is charged under 657 I.A.C. § 8.19 with failing to comply with requirements for the issuance of a prescription drug order, including verification of the order.

COUNT XI

Respondent is charged under 657 I.A.C. § 8.21 with failing to provide adequate prospective drug use review.

COUNT XII

Respondent is charged under 657 I.A.C. § 36.1(4)(j) and 21 C.F.R. § 1306.04 with filling Internet prescriptions for controlled substances that were not issued in the usual course of professional treatment and as such are not prescriptions within the meaning and intent of § 309 of the Controlled Substances Act (21 U.S.C. 829).

COUNT XIII

Respondent is charged under 657 I.A.C. § 36.1(4)(j), 21 C.F.R. § 1306.05 and 657 I.A.C. 10.21(1) with filling Internet prescriptions that were not prepared in the form prescribed by Federal regulations.

THE CIRCUMSTANCES

On or about September 9, 2003, an investigation of Union Family Pharmacy was commenced, which produced the following information:

1. An allegation, which remains under investigation at this time, that controlled substances have been diverted from the Union Family Pharmacy.
2. Union Family Pharmacy has recently become a fulfilling pharmacy for an Internet website known as buymeds.com. As a fulfilling pharmacy, Union Family Pharmacy retrieves prescription drug orders from an online location, fills the orders, and ships medication to consumers throughout the United States.

3. Union Family Pharmacy is currently shipping medication for buymeds.com to consumers located in at least 47 U.S. states. To the Complainant's knowledge and belief, Union Family Pharmacy is not currently licensed as a pharmacy in any state except Iowa. Currently, approximately 43 of 53 U.S. states and jurisdictions require licensure of nonresident pharmacies such as Union Family Pharmacy.
4. The Internet website, buymeds.com, is registered to Pharmacom LLC, PMB 365 9100 Port of Sale, Suite 2, St. Thomas, Virgin Islands 00802. Pharmacom LLC is not a pharmacy and is not licensed as such in any state, including Iowa. Pharmacom LLC recruits licensed pharmacies to fulfill orders that they solicit over the Internet. Neither Pharmacom LLC or buymeds.com are VIPPS-certified. VIPPS stands for Verified Internet Pharmacy Practice Site. Currently there are only 14 VIPPS-certified pharmacies in the United States.
5. Pharmacom LLC is a processor of prescriptions. It represents itself to the public on its website homepage as "Your Private, Secure, and Convenient Online Pharmacy for FDA approved prescription medications." The website offers "Free Medical Consultancy."
6. Pharmacom LLC recruits "affiliates" who agree to provide sponsoring websites that help drive business for the company. Such links direct potential customers to Pharmacom's website. The buymeds.com affiliate agreement program pays affiliates a fee for every new customer plus a percent of all sales, including product refills.
7. On or about August 19, 2003, Union Family Pharmacy became a fulfilling pharmacy for buymeds.com and began shipping prescription drugs, including controlled substances, to customers throughout the U.S. Union Family Pharmacy has indicated to the Board that the reason for the change to this vendor was "to be able to dispense a larger volume of prescriptions."
8. Since August 19, 2003, Union Family Pharmacy has dispensed approximately 4,750 Internet prescriptions as follows:

• August 19, 2003: 82	• September 2, 2003: 241
• August 20, 2003: 440	• September 3, 2003: 200
• August 21, 2003: 284	• September 4, 2003: 197
• August 24, 2003: 463	• September 5, 2003: 289
• August 27, 2003: 105	• September 6, 2003: 425
• August 28, 2003: 102	• September 7, 2003: 584
• August 29, 2003: 190	• September 8, 2003: 489
• September 1, 2003: 354	• September 9, 2003: 205

Some of the Internet prescriptions filled between August 20, 2003 and August 29, 2003, originated from a website other than buymeds.com.

9. Four of the buymeds.com Internet prescriptions were filled for residents of Iowa: #60 Hydrocodone/APAP 7.5/750 for "BJ" of Davenport, Iowa; #60 Hydrocodone/APAP 5.0/500 for "RT" of Nevada, Iowa; #60 Diazepam 10mg for "IP" of Ames, Iowa; and #60 Acetaminophen with Codeine 60mg for "RB" of LeClaire, Iowa.
10. Nearly all of the Internet prescriptions were for Schedule III and Schedule IV controlled substances. The most commonly dispensed Schedule III controlled substance was Hydrocodone. The most commonly dispensed Schedule IV controlled substance was Phentermine. Quantities dispensed were typically 60 or more per prescription.
11. Most, if not all, of the buymeds.com prescriptions were approved electronically by four physicians licensed in Florida: Armando Angulo, MD, Hialeah, Florida; Mario R. Avello, MD, Coral Gables, Florida; Carlos M. Barrera, MD, Miami, Florida; and Mario A. Diaz, MD, Hialeah, Florida. None of these prescriptions identified the date the prescriber approved them.
12. To the Complainant's information and belief, all of these Internet prescriptions were based solely upon an electronic questionnaire. There was no pre-existing patient-prescriber relationship between the purchasers and these four prescribers. There was no in-person physical examination of any of the purchasers prior to the prescribing of any of the medications. Purchasers were not seen or contacted by the prescribers. To the Complainant's information and belief, there was no telephone consultation between any of the purchasers and the prescribers. As a result, there was no valid patient-prescriber relationship for any of the Internet prescriptions for controlled substances which were dispensed by Union Family Pharmacy between August 19 and September 9, 2003.
13. Union Family Pharmacy has utilized pharmacy technicians to dispense these Internet prescriptions and has failed to properly supervise the technicians' work or to verify filled prescriptions before shipping the prescriptions to purchasers.
14. Union Family Pharmacy has failed to provide proper security for prescription drugs and controlled substances stored and handled in the Internet dispensing area.
15. Union Family Pharmacy has failed to comply with Board rules pertaining to the electronic transmission of prescriptions, sales of Schedule V controlled substances, pharmacy record keeping requirements, required pharmacy references,

and has failed to report an apparent theft or loss of controlled substances.

16. A preliminary audit of Schedule II controlled substances at Union Family Pharmacy has revealed shortages of certain Schedule II substances.

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 17 day of September 2003, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.



Katherine A. Linder, 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

39a Union Family Pharmacy SOC

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

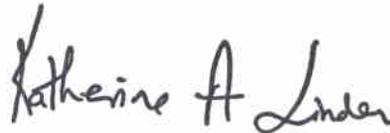
Re:	)	ORDER
Pharmacy License of	)	ACCEPTING
UNION FAMILY PHARMACY	)	SURRENDER OF
License No. 192	)	PHARMACY
Respondent	)	LICENSE

COMES NOW, Katherine A. Linder, Chairperson of the Iowa Board of Pharmacy Examiners, on the 14th day of October, 2003, and declares that:

1. On September 12, 2003, the Board issued an Emergency Order and a Statement of Charges to the Respondent.
2. On October 10, 2003, Respondent executed a voluntary surrender of pharmacy license number 192 pursuant to 657 Iowa Administrative Code § 36.15. In so doing, Respondent waived its right to a formal hearing before the Iowa Board of Pharmacy Examiners.
3. On October 14, 2003, the Board reviewed Respondent's voluntary surrender of its pharmacy license and agreed to accept it.

WHEREFORE, it is hereby ordered that Respondent's voluntary surrender of its Iowa pharmacy license number 192 is hereby accepted and, pursuant to 657 Iowa Administrative Code § 36.13, said surrender shall be considered a revocation of license with respect to any future request for reinstatement.

IOWA BOARD OF PHARMACY EXAMINERS



Katherine A. Linder, Chairperson

RECEIVED

OCT 15 2003

IOWA PHARMACY EXAMINERS

VOLUNTARY SURRENDER OF PHARMACY LICENSE

I, Jack E. Huzl, a resident of 723 Thornwood Drive, Dubuque, Iowa 52003, and the owner/operator of Union Family Pharmacy located at 2541 Central Avenue, Dubuque, Iowa 52001, do hereby voluntarily surrender the general pharmacy license of Union Family Pharmacy, State of Iowa general pharmacy license number 192, to the Iowa Board of Pharmacy Examiners. This surrender of license shall become effective upon the notarized signature of Jack Huzl, provided on behalf of the licensee, Union Family Pharmacy, being affixed to this voluntary surrender document.

I, Jack E. Huzl, on behalf of Union Family Pharmacy, do hereby further acknowledge that by voluntarily signing this surrender statement that Union Family Pharmacy is knowingly and willingly giving up the exercise of the following legal rights:

The pharmacy's right to a formal hearing before the Iowa Board of Pharmacy Examiners on the matter of the pharmacy's continued licensure to operate as a general pharmacy pursuant to Chapter 155A, Code of Iowa (2003).

The pharmacy's right to be represented by an attorney in preparation for and during such formal hearing before the Iowa Board of Pharmacy Examiners.

The pharmacy's right to submit evidence and to have witnesses called on the pharmacy's behalf at such formal hearing.

The pharmacy's right to be represented by an attorney in this matter at this time.

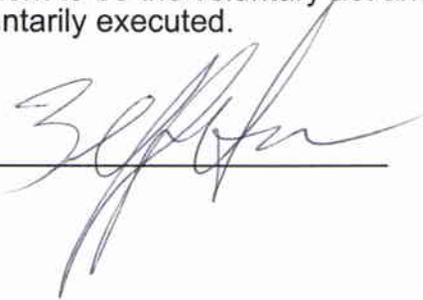
I, Jack E. Huzl, on behalf of Union Family Pharmacy, do hereby acknowledge that pursuant to 657 Iowa Administrative Code section 36.15, a pharmacy license which has been voluntarily surrendered shall be considered a revocation of license with respect to a request for reinstatement, which will be handled under the terms established by 657 Iowa Administrative Code section 36.13, which provides as follows:

Any person whose license to practice pharmacy or to operate a pharmacy or whose wholesale drug license or permit to handle precursor substances or whose pharmacy technician registration or pharmacist-intern registration has been revoked or suspended must meet the following eligibility requirements.

Must have satisfied all the terms of the order of revocation or suspension or court proceedings as they apply to that revocation or suspension. If the order of revocation or suspension did not establish terms and conditions upon which reinstatement might occur, or if the license, registration or permit was voluntarily surrendered, an initial application for reinstatement may not be made until one year has elapsed from the date of the board's order or the date of voluntary surrender.

A person whose license to practice pharmacy was revoked or voluntarily surrendered must successfully pass the North American Pharmacist Licensure Examination (NAPLEX®) or an equivalent examination as determined by NABP and the Multistate Pharmacy Jurisprudence Examination (MPJE®), Iowa Edition.

authority of its Board of Directors; and that Jack E. Huzar and
_____ as officers acknowledged the execution of the
foregoing instrument to be the voluntary act and deed of the corporation, by it
and by them voluntarily executed.



Notary Public

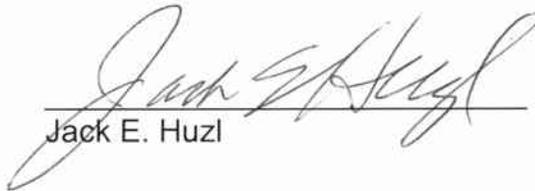
(Seal or Stamp)

My commission expires _____



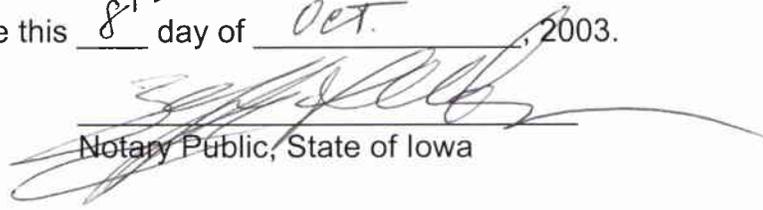
RETIREMENT AND DISCONTINUATION OF PROFESSIONAL PRACTICE

I, Jack E. Huzl, a resident of 723 Thornwood Drive, Dubuque, Iowa 52003, a registered licensed pharmacist in the State of Iowa whose license number is 12687, hereby state to the Iowa Board of Pharmacy Examiners that pursuant to 657 Iowa Administrative Code Section 10.11(6) hereby inform the Iowa Board of Pharmacy Examiners that I am immediately retired and discontinue my professional practice as a pharmacist, in the State of Iowa, effective immediately. Further, I acknowledge that I by voluntarily retiring and terminating my registration, I am subject to the rules and regulations of the Iowa Administrative Code regarding any application for reinstatement. I submit this voluntary retirement and surrender of my pharmacy license and further acknowledge that I shall not engage in any of the activities or aspects of the operation as a pharmacist in the State of Iowa for which a license is required.



Jack E. Huzl

Subscribed and sworn to before me this 8th day of Oct., 2003.



Notary Public, State of Iowa

