

**BEFORE THE IOWA BOARD OF PHARMACY**

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Re:	)	CASE NO. 2014-50
Pharmacist License of	)	
	)	
<b>DONALD VERSLUYS</b>	)	<b>NOTICE OF HEARING AND</b>
License No. 15600	)	<b>STATEMENT OF CHARGES</b>
Respondent.	)	

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**COMES NOW** the Iowa Board of Pharmacy ("Board") and files this Notice of Hearing and Statement of Charges against Donald Versluys ("Respondent"), 1001 Fountainview Drive, Pella, Iowa 50219, pursuant to Iowa Code sections 17A.12(2) and 17A.18(3) (2015). Respondent's Iowa pharmacist license number 15600 is currently active and expires on June 30, 2015.

**A. TIME, PLACE, AND NATURE OF HEARING**

Hearing. A disciplinary contested case hearing shall be held on April 28, 2015, before the Board. The hearing shall be held in the afternoon session beginning at 1:00 p.m. and shall be located in the Board conference room located at 400 S.W. 8<sup>th</sup> Street, Des Moines, Iowa.

Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge from the Department of Inspections and Appeals make initial rulings on pre-hearing matters, and be present to assist and advise the Board at the hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 657 IAC 35.19. At the hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at the hearing. If you need to request an alternative time or date for the hearing, you must comply with the requirements in 657 IAC 35.16. The hearing may be open to the public or closed to the public at your discretion.

Prosecution. The Office of Attorney General is responsible for representing the public interest (the State) in this proceeding. Copies of pleadings should be provided to counsel for the State at the following address:

Laura Steffensmeier  
Assistant Attorney General  
Iowa Attorney General's Office  
2<sup>nd</sup> Floor, Hoover State Office Building  
Des Moines, Iowa 50319

Ms. Steffensmeier can also be reached by phone at (515) 281-6690 or by e-mail at [laura.steffensmeier@iowa.gov](mailto:laura.steffensmeier@iowa.gov).

Communications. You may contact the Board office at (515) 281-5944 with questions regarding this notice and other matters relating to these disciplinary proceedings. You may not contact individual Board members in any manner, including by phone, letter, or e-mail, regarding this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and the opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case.

## **B. LEGAL AUTHORITY AND JURISDICTION**

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 155A, and 272C (2015).

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 147, 155A, and 272C and under 657 IAC 36.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 657 IAC 35.21.

## **C. CHARGES**

### **Count I**

#### **MISREPRESENTATIVE DEEDS**

Respondent is charged with making statements tending to deceive, misrepresent, or mislead anyone, or being a party to or an accessory to any fraudulent or deceitful practice or transaction in pharmacy or in the operation or conduct of pharmacy in violation of 657 IAC 8.11(1), pursuant to Iowa Code sections 147.55(3), (9), 155A.12(1), (2), and (3), and 657 IAC 36.1(4)"c" and "u".

### **Count II**

#### **INACCURATE PRESCRIPTION DOCUMENTATION**

Respondent is charged with failing to maintain accurate prescription processing documentation, specifically by using incorrect National Drug Codes, in violation of 657 IAC 6.8, pursuant to Iowa Code sections 147.55(9) and 155A.12(1), and 657 IAC 36.1(4)"u" and "ac".

### **Count III**

#### **FAILING TO REPORT THEFT OR LOSS**

Respondent is charged with failing to report the theft or loss of controlled substances to the Board and the DEA in a timely fashion in violation of 657 IAC 10.16, pursuant to Iowa Code sections 147.55(9), 155A.12(1), and (5), and 657 IAC 36.1(4)"u" and "ag".

### **Count IV**

#### **IMPROPER RECORD DISPOSAL**

Respondent is charged with failing to dispose of materials containing or including patient-specific confidential information in a manner to preserve patient confidentiality in

violation of 657 IAC 8.16(5), pursuant to Iowa Code sections 147.55(9) and 155A.12(1), and 657 IAC 36.1(4)"u".

#### **Count V**

#### **VIOLATING RESPONSIBILITIES OF PHARMACIST-IN-CHARGE**

Respondent is charged with violating the responsibilities of the pharmacist-in-charge, specifically failing to ensure the legal operation of the pharmacy, including meeting all inspection and other requirements of state and federal laws, rules, and regulations governing the practice of pharmacy in violation of 657 IAC 6.2(15), pursuant to Iowa Code sections 147.55(9) and 155A.12(1), and 657 IAC 36.1(4)"u".

#### **D. FACTUAL CIRCUMSTANCES**

1. At all relevant times, Respondent was the pharmacist-in-charge and owner at Crown Pharmacy.

2. Respondent processed prescriptions as cash transactions even when patients had prescription insurance coverage. Respondent told patients he was running prescription claims through insurance when he was not. Respondent collected cash payments from patients using the guise that the cash payment was an insurance co-payment. In many cases, the cash payment amount paid by the patient was higher than the insurance co-payment that the patient would have paid if the prescription was properly processed through insurance.

3. Respondent processed prescriptions using incorrect National Drug Code numbers. Respondent did not review National Drug Code numbers as part of final verification of a prescription.

4. In August 2013, Crown Pharmacy experienced a loss of 50 tablets of oxycodone-acetaminophen 7.5-325. In May 2014, Crown Pharmacy experienced a loss of 90 tablets amphetamine salts 5 mg. Both drugs are Schedule II controlled substances. The losses were not reported to the DEA or to the Board until November 2014, after a Board compliance officer instructed Respondent to submit the losses.

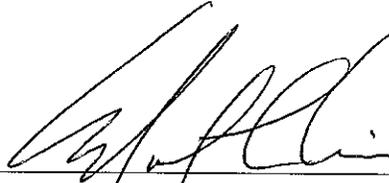
5. Respondent disposed of confidential patient information in a trash can without shredding the documents or otherwise preventing access to the confidential information.

#### **E. SETTLEMENT**

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 657 IAC 36.6. If you are interested in pursuing settlement in this matter, please contact Assistant Attorney General Laura Steffensmeier at (515) 281-6690.

#### **F. FINDING OF PROBABLE CAUSE**

On this 10th day of March, 2015, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.



EDWARD MAIER, Chairperson  
Iowa Board of Pharmacy  
400 SW Eight Street, Suite E  
Des Moines, Iowa 50309-4688

cc: Laura Steffensmeier  
Assistant Attorney General  
Hoover Building, 2<sup>nd</sup> Floor  
Des Moines, IA 50319

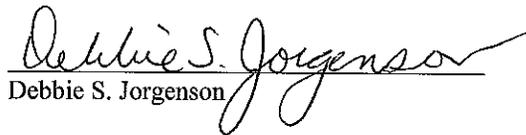
PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon Respondent to the above cause by:

- |  |   |
|--|---|
| <input type="checkbox"/> personal service                                    | <input type="checkbox"/> first class mail |
| <input checked="" type="checkbox"/> certified mail, return receipt requested | <input type="checkbox"/> facsimile        |
| Article Number <u>91719999917031067145809</u>                                | <input type="checkbox"/> other _____      |

on the 10<sup>th</sup> day of March, 2015.

I declare that the statements above are true to the best of my information, knowledge and belief.

  
Debbie S. Jorgenson

**BEFORE THE IOWA BOARD OF PHARMACY**

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Re: ) CASE NO. 2014-50  
Pharmacist License of )  
)  
**DONALD VERSLUYS** ) **SETTLEMENT AGREEMENT**  
) **AND FINAL ORDER**  
License No. 15600 )  
Respondent. )

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Pursuant to Iowa Code sections 17A.10 and 272C.3(4) (2015), the Iowa Board of Pharmacy ("Board") and Donald Versluys ("Respondent") enter into the following Settlement Agreement and Final Order ("Order") to settle a contested case pending before the Board.

The allegations contained in a Statement of Charges against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

1. Respondent's license #15600 is currently active and expires on June 30, 2017.
2. The Board has jurisdiction over the parties and the subject matter of these proceedings.
3. A Statement of Charges was filed against Respondent on March 10, 2015.
4. Respondent does not admit the allegations contained in the Statement of Charges but acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Order.
5. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to hearing before the Board on the charges, but Respondent waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's actions, by freely and voluntarily entering into this Settlement Agreement. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.
6. Respondent is freely and voluntarily entering into this Order.
7. Respondent acknowledges that he has the right to be represented by counsel on this matter.
8. Respondent agrees that the State's counsel may present this Order to the Board and may have *ex parte* communications with the Board while presenting it.
9. This Order is subject to approval by a majority of the full Board. If the Board fails to approve this Order, it shall be of no force or effect to either the Board or Respondent. If the Board approves this Order, it shall be the full and final resolution of this matter.

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10. This Order shall be part of the permanent record of Respondent and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.
11. Respondent acknowledges and understands that this Order will be reported to the National Association of Boards of Pharmacy's Disciplinary Clearinghouse, as applicable.
12. This Order, when fully executed, is a public record and is available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.
13. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.

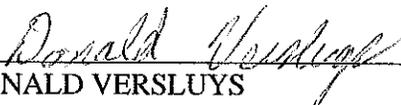
**IT IS THEREFORE ORDERED:**

14. Respondent agrees to pay a **CIVIL PENALTY** in the amount of ten-thousand dollars (\$10,000). This civil penalty shall be made payable to the Treasurer of Iowa and paid within sixty (60) days of the Board's approval of this Settlement Agreement and Final Order. All civil penalty payments shall be deposited into the State of Iowa general fund.
15. Respondent shall be **PERMANENTLY RESTRICTED** from having an ownership interest in an Iowa-licensed pharmacy and from serving as a pharmacist-in-charge.
16. Respondent's license shall be **SUSPENDED** for a period of six (6) months. During the period of suspension, Respondent shall not use any words or titles which imply or represent that he is a licensed pharmacist, or otherwise hold himself out to the public as a licensed pharmacist, or engage in the practice of pharmacy for which a license is required in the State of Iowa.
17. Following the suspension period, Respondent's license shall be placed on **PROBATION** for a period of three (3) years, subject to the following conditions:
  - a. Respondent shall obey all federal and state laws, rules, and regulations related to the practice of pharmacy.
  - b. During the first year of probation, Respondent must complete ten (10) hours of continuing education in the areas of recordkeeping, HIPAA, ethics, and/or Iowa laws and rules. Respondent shall submit certificates of completion as proof of completion of this requirement. These hours are in addition to the hours required for license renewal and cannot be counted towards the continuing education hours required for license renewal. Respondent is responsible for all costs associated with obtaining the required continuing education.
  - c. Respondent shall notify all employers and prospective employers (no later than at the time of an employment interview) of the Statement of Charges and Settlement Agreement in this case.
  - d. Within fifteen (15) days of undertaking new employment as a pharmacist, Respondent shall cause his pharmacy employer to report to the Board a written

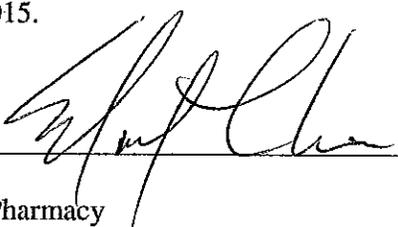
acknowledgement that the employer has read the Statement of Charges and Settlement Agreement in this case.

- e. Respondent shall not supervise any registered pharmacist-intern and shall not perform any duties of a pharmacy preceptor.
  - f. Respondent shall inform the Board, in writing, of any change in contact information (address, phone, email) or place of employment within ten (10) days of such a change.
18. The civil penalty required under paragraph 14 and the documentation required to be submitted to the Board under paragraph 17 should be mailed to the Iowa Board of Pharmacy, Attn: Debbie Jorgenson, 400 SW Eighth Street, Suite E, Des Moines, IA 50309.
19. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A and 657 Iowa Administrative Code chapter 36.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 4<sup>th</sup> day of June, 2015.

  
\_\_\_\_\_  
DONALD VERSLUYS  
Respondent

This Settlement Agreement and Final Order is accepted by the Iowa Board of Pharmacy on the 23<sup>rd</sup> day of June, 2015.

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

cc: Laura Steffensmeier  
Assistant Attorney General  
Hoover Building, 2<sup>nd</sup> Floor  
Des Moines, IA 50319  
ATTORNEY FOR THE STATE

Thomas Crabb  
418 6<sup>th</sup> Avenue, Ste. 200  
Des Moines, IA 50309  
ATTORNEY FOR RESPONDENT