

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case Nos. 2012-180, 2013-1, and
Pharmacist License of)	2013-14
GAYLORD VICTORA,)	
License No. 15091,)	STATEMENT OF CHARGES,
Respondent.)	SETTLEMENT AGREEMENT
)	AND ORDER (COMBINED)

COMES NOW the Iowa Board of Pharmacy (Board) and Gaylord Victora (Respondent), on March, 13, 2013, pursuant to Iowa Code sections 17A.12(2) 17A.10(2), and 272C.3(4) (2013), and enter into this Combined Statement of Charges, Settlement Agreement and Order to resolve a pending disciplinary matter.

A. STATEMENT OF CHARGES

COUNT I – FAILURE TO MEET REQUIREMENTS AS PIC

Respondent is charged under Iowa Code § 155A.12(1) (2013) and 657 Iowa Administrative Code 6.2 with failing to meet the requirements for practicing as the pharmacist in charge.

COUNT II – 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.12(5) (2013) and 657 Iowa Administrative Code 36.1(4)(j).

COUNT III – FAILURE TO MAINTAIN AND PROVIDE RECORDS

Respondent is charged with failure to maintain and provide to the Board pharmacy records, including records of controlled substances, in violation of Iowa Code §§ 124.306, 155A.12(1) and 155A.12(4) (2013) and 657 Iowa Administrative Code 10.34, 10.35, 21.5, 36.1(4)(ac), and 36.1(4)(ag).

COUNT IV – VIOLATING RULES OF THE BOARD

Respondent is charged under Iowa Code §§ 155A.12(1), 155A.12(4) and 155A.12(5) (2013) with violating the rules of the Board, including 657 IAC 6.2(15) (obligations of a pharmacist in charge); 8.26 (continuous quality improvement program); 8.3(3) (pharmacist-documented verification); 10.33 (perpetual inventory of Schedule II controlled substances); 10.34(7) (ordering or distributing Schedule I or II controlled

substances); and 10.35 (complete and accurate controlled substances inventory).

B. FACTUAL CIRCUMSTANCES

1. Respondent is a licensed pharmacist in the State of Iowa. Respondent was issued Iowa pharmacist license 15091. That license is currently active until June 30, 2013.
2. At all times material to this Statement of Charges, Respondent was employed as the pharmacist in charge (PIC) at Fedders Health Mart, Britt, Iowa. Respondent assumed his position as PIC after the prior PIC surrendered his license.

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3. The Board received a complaint regarding a dispensing error in October 2012. In that case, Patient #1 had prescriptions for hydrochlorothiazide (HCTZ) 25mg and lisinopril 20mg. When Patient #1 picked up these prescriptions, the patient received two prescriptions for Patient #2 instead, which were for HCTZ 25mg and benazepril 40mg. Patient #1 took the wrong medication for several weeks.

Case No. 2013-1

4. The Board received a complaint regarding a dispensing error in November 2012. In that case, the patient, who had recently undergone major surgery, had a prescription for long acting 12-hour Oxycontin 10mg#60 twice daily. Respondent erroneously filled the prescription with short acting oxycodone 10mg instead. The patient took the wrong medication for one month and experienced a significant deterioration of her condition during this time. No CQI was recorded for this complaint.
5. During investigation of this case, the Board determined Respondent's PQC electronic reporting database has never been fully implemented.
6. During its investigation of this case, the Board performed a mini-audit of Respondent's controlled substance inventory and found the following:
 - The C-II perpetual inventory is incomplete.
 - Respondent did not conduct an initial controlled substance inventory was conducted when he became PIC in May of 2012.
 - Respondent has not assured accountability for C-II drugs since he was employed as the PIC.
 - Respondent's controlled drug invoices are not properly maintained.
 - Respondent's controlled drug prescriptions are not properly maintained.
 - While present in Respondent's pharmacy, a Board Compliance Officer overheard a conversation regarding a mistake on a prescription for azithromycin. The mistake involved an unlicensed clerk improperly

taking two separate prescriptions over the phone from an office nurse. Respondent informed the clerk this could not occur again. However, Respondent did not then call the provider back to verify these orders. One prescription for azithromycin 500mg once daily for five days was transcribed as a ZPak 250mg two tablets on day one, then one tablet daily for four days. Respondent never confirmed the accuracy of the second prescription for cefprozil 250mg/5ml suspension.

Case No. 2013-14

7. The Board received a complaint regarding a dispensing error in January 2013. In that case, the patient had a prescription for generic Lexapro. When he picked up his refill for this prescription, Respondent erroneously also included in his bag a prescription for levothyroxine 0.05mg. The patient does not have a prescription for levothyroxine. No CQI was performed for this error. The pharmacy records regarding this incident were inadequate.

C. SETTLEMENT AGREEMENT

8. Respondent has chosen not to contest the allegations in the Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Order.

9. On the date of the Board's approval of this Settlement Agreement and Final Order, Respondent's license shall be placed on probation for a period of three (3) years, subject to the following terms:

- a. Respondent shall submit a \$1000.00 civil penalty to the Board. This civil penalty shall be made payable to the Treasurer of Iowa and mailed to the executive director of the Board within ten (10) days of the date this Settlement Agreement is approved by the Board. All civil penalty payments shall be deposited into the State of Iowa's general fund.
- b. Within 60 days of the date this Settlement Agreement is approved by the Board, Respondent shall complete an additional two (2) hours of continuing pharmacy education (CPE) on medication dispensing errors and two (2) hours of CPE on patient safety, which are pre-approved by the Board. Documentation of satisfactory completion of this CPE shall be promptly submitted to the Board. The CPE shall be in addition to the thirty (30) hours of CPE required every two years for license renewal.
- c. Respondent shall within sixty (60) days of the date this Settlement Agreement is approved by the Board, submit to the Board f or its approval policies and procedures for the following areas of practice. Respondent agrees to comply with these policies and procedures whenever employed

as a pharmacist in charge and whenever engaging in the practice of pharmacy in a pharmacy which has no conflicting policies and procedures.

- i. patient counseling
 - ii. drug recalls
 - iii. readily retrievable invoices for controlled/non-controlled medications
 - iv. CQI – Continuing Quality Improvement
 - v. C-II drug storage
 - vi. Long term care operations
 - vii. pharmacy technician duties
 - viii. pharmacy support person duties
 - ix. drug utilization review
 - x. documentation of final verification of dispensed medications
 - xi. perpetual inventory requirements
 - xii. disposal of expired medications
 - xiii. proper recordkeeping for the dispensing of prescription drugs and controlled substances
 - xiv. proper recordkeeping for receipt of controlled substances
 - xv. proper recordkeeping for annual controlled substance inventory
- d. Respondent shall comply with all applicable Iowa pharmacy law and rules and all related federal requirements for controlled substances.
- e. Respondent shall submit quarterly reports to the Board. The reports shall be filed not later than December 5, March 5, June 5 and September 5 of each calendar year. These reports shall include Respondent's place of employment; current address; a narrative discussing Respondent's current compliance with the terms of this Settlement Agreement and Final Order; and any further information requested by the Board.
- f. Respondent shall notify all employers and prospective employers (no later than at the time of an employment interview), including any pharmacist-in-charge, of this Settlement Agreement and Final Order, including the terms, conditions and restrictions imposed on Respondent by this Order.
- g. Within thirty (30) days after approval of this Settlement Agreement and Final Order by the Board, and within fifteen (15) days of undertaking new employment as a pharmacist, Respondent is responsible for ensuring his pharmacy employer, and any pharmacist-in-charge he works under, to report to the Board in writing acknowledging that the employer and the pharmacist-in-charge have read this document and understand it.
- h. Upon the Board's request, Respondent shall appear informally before the Board for the purpose of reviewing his performance as a pharmacist and

compliance with his probation. Respondent shall be given reasonable notice of the date, time, and place for the appearances.

- i. Only the periods of time during which Respondent is actively practicing as a pharmacist in Iowa shall apply to the duration of the probation, unless otherwise approved by the Board.
- j. Respondent shall inform the Board in writing of any change of home address, place of employment, home telephone number, or work telephone number, within ten (10) days of such a change.

10. If Respondent violates or fail to comply with any of the terms or conditions of this Order, the Board may initiate action to revoke or suspend Respondent's Iowa pharmacy license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2011), and 657 IAC § 36.

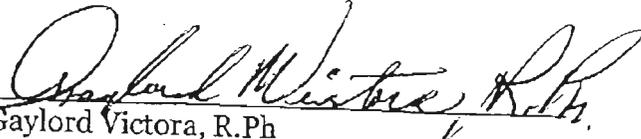
11. This Order is the resolution of a contested case. By entering into this Order, Respondent waives all rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to this Order.

12. The State's legal counsel may present this Combined Statement of Charges, Settlement Agreement and Order to the Board.

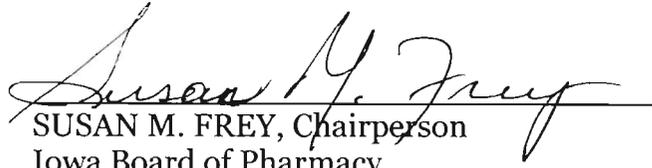
13. This proposed settlement is subject to the approval of the Board. If the Board fails to approve this Order, it shall be of no force or effect to either party. If the Board approves this Order, it shall be the full and final resolution of this matter.

14. The Board's approval of this Combined Statement of Charges, Settlement Agreement and Order shall constitute a **FINAL ORDER** of the Board in a disciplinary action.

Signed by Respondent on this 13 day of MARCH, 2012. 2013


 Gaylord Victoria, R.Ph

On this 13th day of March, 2013, the Iowa Board of Pharmacy approved this Combined Statement of Charges, Settlement Agreement and Order.

A handwritten signature in cursive script, reading "Susan M. Frey", written over a horizontal line.

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

cc: Theresa O'Connell Weeg
Assistant Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

BEFORE THE BOARD OF PHARMACY STATE OF IOWA

**IN THE MATTER OF THE STATEMENT OF CHARGES,
SETTLEMENT AGREEMENT AND ORDER (COMBINED)**

GAYLORD VICTORA, R.Ph., RESPONDENT

2012-180, 2013-1, AND 2013-14

TERMINATION ORDER

DATE: March 14, 2016

1. On March 13, 2013, a Statement of Charges, Settlement Agreement and Order was issued by the Iowa Board of Pharmacy placing the license to practice pharmacy, number 15091 issued to Gaylord Victora on July 1, 1977, on probation for a period of three years under certain terms and conditions.

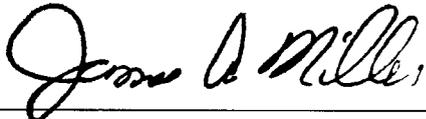
2. Respondent has successfully completed the probation as directed.

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

IT IS HEREBY ORDERED:

That the probation placed upon the Respondent's license to practice pharmacy is terminated, and the license is returned to its full privileges free and clear of all restrictions.

IOWA BOARD OF PHARAMCY



James Miller, Board Chairperson
400 SW 8th Street, Suite E
Des Moines, Iowa 50309-4688