

**BEFORE THE IOWA BOARD OF PHARMACY**

Re:	)	
Pharmacy License of	)	Case No. 2009-45
<b>WALGREENS #07452</b>	)	
License No. 674,	)	<b>STATEMENT OF CHARGES</b>
Respondent.	)	

**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 17, 2009, the Board renewed general pharmacy license number 674 for Walgreens #07452 (hereinafter, "Respondent"), 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.

At all times material to this statement of charges, Respondent was operating a general pharmacy at 4415 Douglas Avenue, Des Moines, Iowa 50310, with Laura L. Dickinson as the pharmacist in charge.

**A. CHARGE**

**COUNT I – LACK OF COMPETENCY**

Respondent is charged under Iowa Code § 155A.15(2)(c) (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, as evidenced by inadequacies in Respondent's prescription handling procedures, resulting in a dispensing error.

**B. CIRCUMSTANCES**

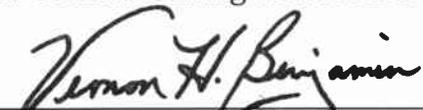
An investigation was commenced May 1, 2009, which revealed the following:

1. Respondent operates a general pharmacy at 4415 Douglas Avenue, Des Moines, Iowa 50310, with Laura L. Dickinson as the pharmacist in charge.
2. A pharmacy patient was prescribed Xeloda, 4600 mg per day (2300 mg, twice daily), with the prescription being called in and correctly recorded by Respondent.
3. Nevertheless, the patient was dispensed tablets and instructions that resulted in the patient receiving a dose of 600 mg per day (300 mg, twice daily).
4. The dispensing error occurred twice. On the second refill, the prescription was correctly filled, resulting in discovery of the error. The patient received a non-therapeutic medication dose for two months.
5. The prescribed Xeloda dosage, 4600 mg per day, is a standard dosage for a person of the patient's size, undergoing treatment for pancreatic cancer.

**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 20 day of July 2010, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.

  
VERNON H. BENJAMIN, Chairperson  
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

**BEFORE THE IOWA BOARD OF PHARMACY**

Re:	)	
Pharmacy License of	)	Case No. 2009-159
<b>WALGREENS #07452</b>	)	
License No. 674,	)	<b>STATEMENT OF CHARGES</b>
Respondent.	)	

**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 17, 2009, the Board renewed general pharmacy license number 674 for Walgreens #07472 (hereinafter, "Respondent"), 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. At all times material to this statement of charges, Respondent was operating a general pharmacy at 4415 Douglas Avenue, Des Moines, Iowa 50310, with Laura L. Dickinson as the pharmacist in charge.

**A. CHARGES**

**COUNT I – LACK OF PROFESSIONAL COMPETENCY**

Respondent is charged under Iowa Code § 155A.15(2)(c) (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, as evidenced by Respondent's willful and repeated violations of standards related to patient counseling.

**COUNT II – ALTERING DRUG STRENGTH WITHOUT PERMISSION**

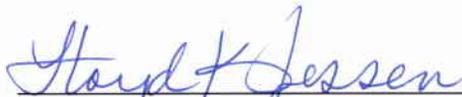
Respondent is charged under Iowa Code § 155A.15(2) (2009) and 657 Iowa Administrative Code §§ 10.21(5) and 36.1(4)(u) with altering the dispensed strength of a controlled substance prescription without obtaining the permission of the prescriber.

## B. CIRCUMSTANCES

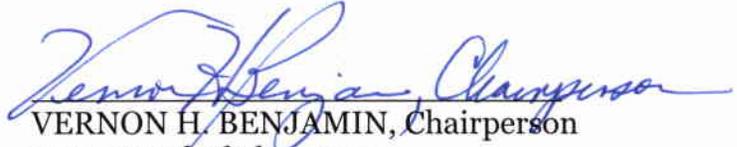
An investigation was commenced December 3, 2009, which revealed the following:

1. At all times material to this statement of charges, Respondent operated a general pharmacy at 4415 Douglas Avenue, Des Moines, Iowa 50310, with Laura L. Dickinson as the pharmacist in charge.
2. A patient of Respondent received two prescriptions for Oxycontin. The first, Oxycontin 80mg (#90) to be taken three times per day, was correctly filled and dispensed by Respondent.
3. A second prescription, to be used by the patient in conjunction with the first, was filled incorrectly. The second script called for Oxycontin 20mg (#120), to be taken three times daily in doses of 20mg, 40mg and 20mg. The prescriber's intention was to have the patient take – by combining the two prescriptions – 100mg Oxycontin in the morning, 120mg mid-day, and 100mg in the evening.
4. When filling the second prescription, pharmacist Kyle Rotert learned that the patient's insurer would not cover the Oxycontin 20mg #120 during a 30 day period. Without contacting the prescriber, Rotert split the second prescription into two parts and dispensed oxycodone 20mg ER #60, to be taken morning and evening, and Oxycontin 40mg #30 to be taken mid-day.
5. The fill of the second prescription was reviewed by pharmacist Matt Sales. Sales did not contact the patient's prescriber.
6. When, prior to the completion of the 30 day period, the patient contacted the prescriber seeking more medication, the prescriber learned that the patient had been taking two Oxycontin 40mg tablets at mid day, in addition to an Oxycontin 80mg tablet, for a total dosage of 160mg.
7. After learning the second prescription had not been correctly filled, the prescriber attempted to contact Respondent's pharmacist employee who dispensed the Oxycontin. Respondent would not provide the name of the pharmacist or agree to have the pharmacist return the prescriber's call.
8. The patient does not recall being counseled by Respondent regarding the differences between the actual prescription and the medication as dispensed.

**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 28 day of Sept. 2010, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.

A handwritten signature in blue ink that reads "Vernon H. Benjamin, Chairperson". The signature is fluid and cursive, with the first name being the most prominent.

VERNON H. BENJAMIN, Chairperson  
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**

Re: ) Pharmacy License of ) <b>WALGREENS PHARMACY 07452</b> ) License No. 674, ) Respondent. )	Case No. 2010-45  <b>STATEMENT OF CHARGES</b>
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**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 (2011).
3. On December 27, 2010, the Board renewed general pharmacy license number 674 for Walgreens Pharmacy 07452 (hereinafter, "Respondent"), 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. At all times material to this statement of charges, Respondent was operating a general pharmacy at 4415 Douglas Avenue, Des Moines, Iowa 50310 with Laura L. Dickinson as the pharmacist in charge.

**A. CHARGE**

**COUNT I – LACK OF PROFESSIONAL COMPETENCY**

Respondent is charged under Iowa Code § 155A.15(2)(c) (2011) and 657 Iowa Administrative Code § 36.1(4)(b) with a lack of professional competency as demonstrated by Respondent's (a) substantial deviation from the standards of learning and skill ordinarily possessed and applied by other Iowa pharmacies, (b) failure to exercise in a substantial respect that degree of care which is ordinarily exercised by an Iowa pharmacy and (c) 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.

**B. CIRCUMSTANCES**

An investigation was commenced on April 21, 2010, which revealed the following:

1. Respondent operates a general pharmacy at 4415 Douglas Avenue, Des Moines, Iowa, with Laura L. Dickinson as the pharmacist in charge.
2. On April 6, 2010, a patient's wife picked up and paid for her husband's prescriptions.
3. Subsequently, while filling her husband's medication reminder, she noticed that she had received from Respondent an extra bottle of prescription drugs. The extra bottle was labeled for and intended for a patient other than her husband.
4. After complaining to Respondent regarding the error, the patient's wife was refunded the purchase price of the extra medication. When the patient's wife then sought out a pharmacist to discuss her concern that a dangerous dispensing error had occurred, Respondent's pharmacist did not appear to take the error seriously.

**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 29 day of June 2011, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.

  
SUSAN FREY, Chairperson  
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

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Re:	)	Case No. 2009-45
Pharmacy License of	)	
<b>WALGREENS #07452</b>	)	<b>SETTLEMENT AGREEMENT</b>
License No. 674,	)	<b>AND</b>
Respondent.	)	<b>FINAL ORDER</b>

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Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011), the Iowa Board of Pharmacy and Walgreens Pharmacy #07452, Respondent, enter into the following Settlement Agreement and Final Order to settle a licensee disciplinary proceeding currently 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 was issued Pharmacy License No. 674. That license is active and current until December 31, 2013.
2. A Statement of Charges was filed against Respondent on July 20, 2010.
3. Respondent at all times relevant to the Statement of Charges operated a general pharmacy at 4415 Douglas Ave., Des Moines, Iowa, with Laura Dickinson as the pharmacist in charge.
4. The Board has jurisdiction over the parties and the subject matter of these proceedings.

5. 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.
6. Respondent is hereby CITED for the dispensing errors identified in the Statement of Charges, and is hereby WARNED that future violations of the law governing the practice of pharmacy in Iowa could result in further disciplinary action.
7. Respondent agrees to pay a civil penalty in the amount of \$1000. This civil penalty shall be made payable to the Treasurer of Iowa and mailed to the executive director of the Board within twenty (20) 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.
8. This Settlement Agreement and Final Order is the resolution of a contested case. By entering into this Settlement Agreement and Final 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 Final Order.
9. The State's legal counsel may present this Settlement Agreement and Final Order to the Board.
10. This Settlement Agreement and Final Order 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 Settlement Agreement and Final Order, it shall be the full and final resolution of this matter.

11. The Board's approval of this Settlement Agreement and Final Order shall constitute a FINAL ORDER of the Board.

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 February 2013.

Mike Fuller Walgreens (Pharmacy Supervisor)  
For Respondent

By his signature, Mike Fuller acknowledges he is the Pharmacy Supervisor for Walgreens Pharmacy and is authorized to sign this Settlement Agreement and Final Order on behalf of Walgreens Pharmacy #07452.

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on the 13<sup>th</sup> day of March 2013.

Susan M. Frey  
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  
Office of the Attorney General  
Hoover State Office Building  
Des Moines, Iowa 50319

Kevin M. Reynolds  
WHITFIELD & EDDY, P.L.C.  
317 6<sup>th</sup> Ave., Suite 1200  
Des Moines, IA 50309

BEFORE THE IOWA BOARD OF PHARMACY

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Re:	)	Case No. 2009-159
Pharmacy License of	)	
<b>WALGREENS #07452</b>	)	<b>SETTLEMENT AGREEMENT</b>
License No. 674,	)	<b>AND</b>
Respondent.	)	<b>FINAL ORDER</b>

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Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011), the Iowa Board of Pharmacy and Walgreens Pharmacy #07452, Respondent, enter into the following Settlement Agreement and Final Order to settle a licensee disciplinary proceeding currently 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 was issued Pharmacy License No. 674. That license is active and current until December 31, 2013.
2. A Statement of Charges was filed against Respondent on September 28, 2010.
3. Respondent at all times relevant to the Statement of Charges, operated a general pharmacy at 4415 Douglas Avenue, Des Moines, Iowa, with Laura L. Dickinson as the pharmacist in charge.
4. The Board has jurisdiction over the parties and the subject matter of these proceedings.

5. 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.
6. Respondent is hereby CITED for altering drug strength if a controlled substance prescription without the permission of the prescriber as identified in the Statement of Charges, and is hereby WARNED that future violations of the law governing the practice of pharmacy in Iowa could result in further disciplinary action.
7. Respondent agrees to pay a civil penalty in the amount of \$1000. This civil penalty shall be made payable to the Treasurer of Iowa and mailed to the executive director of the Board within twenty (20) 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.
8. This Settlement Agreement and Final Order is the resolution of a contested case. By entering into this Settlement Agreement and Final 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 Final Order.
9. The State's legal counsel may present this Settlement Agreement and Final Order to the Board.
10. This Settlement Agreement and Final Order 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

Settlement Agreement and Final Order, it shall be the full and final resolution of this matter.

11. The Board's approval of this Settlement Agreement and Final Order shall constitute a FINAL ORDER of the Board.

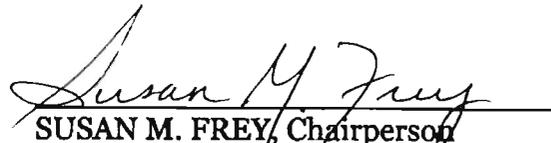
This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 4<sup>th</sup> day of February 2013.



Walgreens  
For Respondent

By his signature Mike Kulle acknowledges he is the Pharmacy Signer for Walgreens Pharmacy and is authorized to sign this Settlement Agreement and Final Order on behalf of Walgreens Pharmacy #07452.

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on the 3<sup>rd</sup> day of March 2013.

  
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  
Office of the Attorney General  
Hoover State Office Building  
Des Moines, Iowa 50319

Kevin M. Reynolds  
WHITFIELD & EDDY, P.L.C.  
317 6<sup>th</sup> Ave., Suite 1200  
Des Moines, IA 50309

BEFORE THE IOWA BOARD OF PHARMACY

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Re:	)	Case No. 2010-45
Pharmacy License of	)	
<b>WALGREENS #07452</b>	)	<b>SETTLEMENT AGREEMENT</b>
License No. 674,	)	<b>AND</b>
Respondent.	)	<b>FINAL ORDER</b>

---

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011), the Iowa Board of Pharmacy and Walgreens Pharmacy #07452, Respondent, enter into the following Settlement Agreement and Final Order to settle a licensee disciplinary proceeding currently 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 was issued Pharmacy License No. 674. That license is active and current until December 31, 2013.
2. A Statement of Charges was filed against Respondent on June 29, 2011.
3. Respondent at all times relevant to the Statement of Charges operated a general pharmacy at 4415 Douglas Ave., Des Moines, Iowa, with Laura Dickinson as the pharmacist in charge.
4. The Board has jurisdiction over the parties and the subject matter of these proceedings.

5. 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.
6. Respondent is hereby CITED for the dispensing errors identified in the Statement of Charges, and is hereby WARNED that future violations of the law governing the practice of pharmacy in Iowa could result in further disciplinary action.
7. Respondent agrees to pay a civil penalty in the amount of \$1000. This civil penalty shall be made payable to the Treasurer of Iowa and mailed to the executive director of the Board within twenty (20) 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.
8. This Settlement Agreement and Final Order is the resolution of a contested case. By entering into this Settlement Agreement and Final 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 Final Order.
9. The State's legal counsel may present this Settlement Agreement and Final Order to the Board.
10. This Settlement Agreement and Final Order 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 Settlement Agreement and Final Order, it shall be the full and final resolution of this matter.

11. The Board's approval of this Settlement Agreement and Final Order shall constitute a FINAL ORDER of the Board.

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 February 2013.

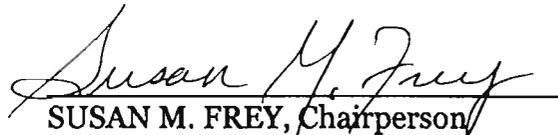


Walgreens

For Respondent

By his signature, Mike Full acknowledges he is the Pharmacy Supervisor for Walgreens Pharmacy and is authorized to sign this Settlement Agreement and Final Order on behalf of Walgreens Pharmacy #07452.

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on the 13<sup>th</sup> day of March 2013.



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  
Office of the Attorney General  
Hoover State Office Building  
Des Moines, Iowa 50319

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WHITFIELD & EDDY, P.L.C.  
317 6<sup>th</sup> Ave., Suite 1200  
Des Moines, IA 50309