BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

	)	Case No. 2005-18
Re:	)	
Pharmacy License of	)	**STATEMENT OF CHARGES**
WALGREENS # 07453,	)	
License No. 987,	)	
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. On December 21, 2004, the Board renewed Respondent general pharmacy license number 987 with Jennifer Prymek 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 826 is current until December 31, 2006.

5. Respondent is currently operating a general pharmacy at 104 E. Euclid, Des Moines, Iowa 50312-4705.

A. CHARGES

COUNT I – LACK OF PROFESSIONAL COMPETENCY

Respondent is charged under Iowa Code § 155A.15(2) (2005) 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.

COUNT II -- FAILURE TO MAINTAIN ADEQUATE RECORDS

Respondent is charged with failing to maintain complete and adequate records of purchases and disposal of drugs, including controlled substances, in violation of Iowa Code §§ 155A.15.2(c) and 155A.15.2(h) (2005), and 657 Iowa Administrative Code §§ 36.1(4)(u) and 36.1(4)(cc).

COUNT III -- FAILURE TO MAINTAIN CONTROL OVER DRUGS

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), 155A.15(2)(c) and 155A.15(2)(c) and (i) (2005), and 657 Iowa Administrative Code §§ 6.2, 6.7 and 36.1(4)(u).

B. CIRCUMSTANCES

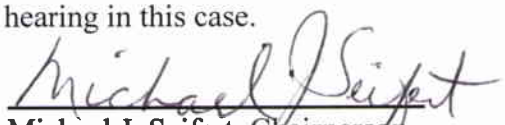
On or about March 14, 2005, an investigation was commenced, revealing the following:

1. Respondent's records are maintained in two places. Some records are maintained at Respondent's retail place of business, while others are maintained by at the corporate offices. The records have substantial inconsistencies.
2. Audits of Respondent's controlled substances records were difficult and inconclusive. Due to differences between the records maintained at Respondent's retail place of business and the records maintained by Walgreens' corporate offices, audit results varied depending on the source of the records.
3. Respondent was unable to provide controlled substance records in a timely manner. Some records were not provided for more than three weeks after requested by the Board's compliance officers.
4. Audits of Respondent's records reveal substantial overages and substantial shortages of controlled substances.
5. Although under the above described circumstances, many controlled substance records appear unreliable, Respondent's records support a conclusion that significant quantities of controlled substances – particularly hydrocodone (a shortage of over 1000 doses) – are missing and have been diverted from stock.
6. Due to the disarray of Respondent's controlled substance records, internal measures to detect and prove drug diversion would be largely ineffective.
7. Copies of DEA form 222 filed by Respondent were not maintained in Respondent's records.
8. Records relating to schedule II controlled substances were not maintained separately from records relating to other controlled substances.
9. Respondent's records were incomplete in instances where prescriptions were originally stored, held to be filled in the future or deleted, then subsequently 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 Secretary/Director

On this 7th day of June, 2005, 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

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IOWA PHARMACY EXAMINERS

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

Re:	)	Case No. 2005-18
Pharmacy License of	)	
WALGREENS #07453	)	**STIPULATION**
License No. 987	)	**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 Walgreens #07453 (hereinafter, "Respondent") have agreed to settle a contested case currently on file with the Iowa Board of Pharmacy Examiners. The Statement of Charges filed against Respondent on June 7, 2005, and the licensee disciplinary proceeding shall be resolved without a hearing, as the Board and Respondent have agreed to the following Stipulation and Consent Order:

1. Respondent's license to operate a pharmacy was renewed September 6, 2006, as evidenced by Pharmacy License Number 987, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.

2. General Pharmacy License Number 987 issued to and held by Respondent is current and in force until December 31, 2006.

3. The Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.

4. A Statement of Charges was filed against Respondent June 7, 2005.

5. Respondent denies the allegations contained in the Statement of Charges, but in the interest of settlement has chosen not to contest the allegations. Respondent acknowledges that the allegations set forth in the Statement of Charges, if proven in a

contested case proceeding, would constitute grounds for the discipline described herein.

6. Respondent's license shall be placed on probation for one (1) year. As a condition of probation, Respondent shall -- within sixty (60) days after the date of the Board's approval of this Stipulation and Consent Order -- propose to the Board *typewritten* pharmacy practices and procedures which shall include, but not be limited to the following;

a. Accuracy of Records. A proposal for pharmacy record keeping which will assure the accuracy of records maintained at the pharmacy.

b. Access to Records. A proposal to assure that complete, accurate and accessible records relating to controlled substances and other pharmaceuticals are maintained at the pharmacy or are accessible from another location within two business days of the request.

c. Perpertual Inventory of Schedule-II Controlled Substances. A proposal for establishment of a perpetual inventory at the pharmacy for all schedule 2 controlled substances.

Once Respondent's proposals are approved by the Board, Respondent agrees to abide by the specific terms of its proposals.

7. Upon the Board's approval of this Stipulation and Consent Order, Respondent shall be assessed a civil penalty in the amount of $1000. 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. Respondent agrees to obey all federal and state laws, rules, and regulations substantially related to the operation of pharmacy.

9. 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 Respondent's Iowa license to operate a pharmacy or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A and 657 Iowa Administrative Code § 36.1.

10. 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.

11. 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.

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

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This Stipulation and Consent Order is voluntarily submitted by Walgreens #07453 to the Iowa Board of Pharmacy Examiners for its consideration on this ___ day of _____ 2006.

Walgreens #07453
Respondent
By Sherry Jansen, R.Ph.
Pharmacist In Charge

Subscribed and sworn to before me by Sherry JANSEN, who has stated to me that he/she is the pharmacist in charge of Walgreens #07453 and is authorized to sign this Stipulation and Consent Order on behalf of Walgreens #07453 on this 14th day of November 2006.

RANDY L. WORTH
Commission Number 133393
My Commission Expires
9-20-08

NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

Walgreens #07453
Respondent
By LORINDA TISDELL

Subscribed and sworn to before me by LORINDA TISDELL, who has stated to me that he/she is a/an DIVISIONAL DIRECTOR, PHARMACY OPERATIONS with Walgreen Co. and is authorized to sign this Stipulation and Consent Order on behalf of Walgreen Co. on this 31ST day of OCTOBER 2006.

OFFICIAL SEAL
KAREN A KESSLER
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:09/20/09

NOTARY PUBLIC IN AND FOR THE
STATE OF ILLINOIS

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on this 15 day of Nov. 2006.

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

cc: Scott M. Galenbeck
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

Dwayne A. Piñon, R.Ph.
Senior Attorney
Corporate & Regulatory Law
Walgreen Company
104 Wilmot Road, MS #1447
Deerfield, IL 60015

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BEFORE THE BOARD OF PHARMACY STATE OF IOWA

IN THE MATTER OF THE STIPULATION AND CONSENT ORDER AGAINST WALGREENS #07453, RESPONDENT

2005-18

TERMINATION ORDER

DATE: November 19, 2007

1. On November 16, 2006, a Stipulation and Consent Order was accepted by the Iowa Board of Pharmacy placing the license to practice pharmacy, number 826 issued to Walgreens #07453, on probation for a period of one year 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

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