

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	
Pharmacy License of)	Case No. 2011-70
WAL-MART PHARMACY 10-2935)	
License No. 1131,)	STATEMENT OF CHARGES
Respondent.)	

COMES NOW, the Complainant, Lloyd K. Jessen, and states:

1. He is the Executive Director for the Iowa Board of Pharmacy (hereinafter, "Board") 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. Effective December 14, 2011, the Board renewed Respondent's general pharmacy license number 1131 for Wal-Mart Pharmacy 10-2935 (hereinafter, "Respondent"), with David L. Hall as the 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.
4. General pharmacy license number 1131 is current until December 31, 2012.
5. At all times material to this statement of charges, Respondent was operating a general pharmacy at 814 West Bell Avenue, Knoxville, Iowa 50138.

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 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, as evidenced by Respondent's failure to maintain adequate controls over controlled substances.

B. CIRCUMSTANCES

An investigation was commenced on June 16, 2011, which revealed the following:

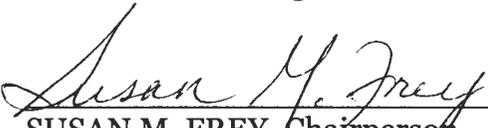
1. At all times material to this Statement of Charges, Respondent was operating a general pharmacy at 814 West Bell Avenue, Knoxville, Iowa 50138, with David L. Hall as the pharmacist in charge.
2. A patient presented to the pharmacy a prescription for Augmentin which required that the dose be calculated for a 158 pound child. Unwilling or unable to calculate the dose, Respondent's employees contacted the prescriber's office.
3. The prescriber's office directed a dosage of 27ml twice daily, approximately four times the usual dose. Respondent filled the prescription despite the over dose.
4. The patient took two over doses, each resulting in vomiting.
5. Respondent's employees continued to be concerned about the dosage, and called the patient the next day to ask that the medication use be discontinued.

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 7th day of March 2012, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.



SUSAN M. 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

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2011-70
Pharmacy License of)	
WAL-MART PHARMACY 10-2935,)	STIPULATED
License No. 1131)	CITATION
Respondent)	AND WARNING

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011), the Iowa Board of Pharmacy (hereinafter, the “Board”) and Wal-Mart Pharmacy 10-2935 (hereinafter, “Respondent”) have agreed to settle a contested case currently on file with the Board. The Statement of Charges filed against Respondent on March 7, 2012 shall be resolved without a hearing, as the Board and Respondent stipulate to the following:

1. Respondent’s license to operate a general pharmacy in Iowa is evidenced by Pharmacy License Number 1131, which is recorded in the permanent records of the Board.
2. Pharmacy License Number 1131 is current and active until December 31, 2012.
3. The Board has jurisdiction over the parties and the subject matter herein.
4. A Statement of Charges was filed against Respondent on March 7, 2012.
5. Respondent has chosen not to contest the allegations contained in the Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline described herein.
6. Upon the Board’s approval of this Stipulated Citation and Warning, Respondent shall be assessed a civil penalty in the amount of \$1,000. The civil

penalty payment shall be made by check, payable to the Treasurer of Iowa and mailed to the executive director of the Board within 10 days after Respondent's receipt of notice of the Board's approval of this Stipulated Citation and Warning. All civil penalty payments shall be deposited into the State of Iowa general fund. Upon the Board's receipt of the civil penalty, this disciplinary proceeding shall be concluded without further order of the Board.

7. Should Respondent violate or fail to comply with any of the terms or conditions of this Stipulated Citation and Warning, the Board may initiate further action to impose licensee discipline as authorized by Iowa Code chapters 272C and 155A (2011), and 657 Iowa Administrative Code § 36.1.

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

9. 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 Stipulated Citation and Warning, it shall be the full and final resolution of this matter.

10. The State's counsel may present this Stipulated Citation and Warning to the Board.

11. The Board's approval of this Stipulated Citation and Warning shall constitute a FINAL ORDER of the Board in a disciplinary proceeding.

This Stipulated Citation and Warning is voluntarily submitted by Wal-Mart Pharmacy

10-2935 to the Iowa Board of Pharmacy for its consideration on this 11th day of June 2012.

Deborah C Mack
Wal-Mart Pharmacy 10-2935
Respondent
By Deborah C Mack, R.Ph.
Director of Practice Compliance

Subscribed and sworn to before me by Deborah C Mack, who has stated to me that he/she is the Director of Practice Compliance for Wal-Mart Pharmacy 10-2935 and is authorized to sign this Stipulated Citation and Warning on behalf of Wal-Mart Pharmacy 10-2935 on this 11th day of June 2012.

BRENDA M. GLENN
NOTARY PUBLIC
BENTON COUNTY, ARKANSAS
COMM. EXR. 05/01/15

Brenda M. Glenn
NOTARY PUBLIC IN AND FOR THE
STATE OF ARKANSAS

This Stipulated Citation and Warning is accepted by the Iowa Board of Pharmacy on this 27 day of June 2012.

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

cc: Theresa Weeg
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