

**BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA**

Re:)	Case No. 2000-731
Pharmacy License of)	
WAL-MART PHARMACY 10-1496)	STATEMENT OF CHARGES
License No. 731)	
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 (1999).
3. Effective January 1, 2000, the Board renewed Respondent general pharmacy license number 731 with Stephanie Stock, R.Ph. 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 731 is current until December 31, 2000.
5. Respondent is currently operating a general pharmacy at 1334 Flammang Drive, Waterloo, Iowa 50702 with Stephanie Stock as the pharmacist in charge.

COUNT I

The Respondent is charged under Iowa Code § 155A.15(2) (1999) and 657 Iowa Administrative Code §§ 6.2(2) & 36.1(4) with failure to employ sufficient number of personnel, including licensed pharmacists, as required to operate the pharmacy competently, safely, legally, and adequately to meet the needs of the patients of the pharmacy.

COUNT II

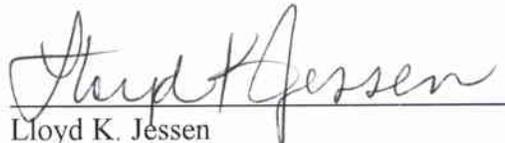
The Respondent is charged under Iowa Code § 155A.15(2)(c) (1999) and 657 Iowa Administrative Code §§ 6.2(1)(a) & (b), 8.20, 36.1(4)(b)(4) with failure to ensure that its

pharmacists provide adequate patient counseling as specified in rule 657 Iowa Administrative Code § 8.20.

THE CIRCUMSTANCES

1. On or about April 18, 2000, the Board office received a complaint about a dispensing error that had occurred at Respondent's pharmacy on or about April 1, 2000.
2. The Board's investigation of the dispensing error referred to in Paragraph 1 indicated that the patient's caregiver was not counseled when receiving the medication.
3. Investigative information also suggested that patient counseling is not occurring on a regular basis.
4. Proper patient counseling might have prevented the dispensing error referred to in Paragraph 1.
5. The Board's investigation of the dispensing error referred to above also revealed that the Respondent's pharmacy is not adequately staffed to safely and legally handle the average volume of prescriptions filled by the pharmacy.

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 12th day of Sept., 2000, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.


Matthew C. Osterhaus, Chairperson
Iowa Board of Pharmacy Examiners
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Shauna Russell Shields
Assistant Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

**BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA**

Re:)	Case No. 2000-731
Pharmacy License of)	
WAL-MART PHARMACY 10-1496)	STIPULATION
License No. 731)	AND
Respondent)	CONSENT ORDER

COME NOW the Iowa Board of Pharmacy Examiners (“the Board”) and Wal-Mart Pharmacy 10-1496 (“Respondent”) and, pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (1999), enter into the following Stipulation and Consent Order settling the contested case currently on file.

The licensee disciplinary hearing pending before the Iowa Board of Pharmacy Examiners, on the allegations specified in the Statement of Charges filed against Respondent on September 12, 2000, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That Respondent’s license to operate a pharmacy was renewed effective January 1, 2001, as evidenced by Pharmacist License Number 731, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That General Pharmacy License Number 731 issued to and currently held by Respondent is current and in force until December 31, 2001.
3. That 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 on September 12, 2000.
5. This Stipulation and Consent Order is entered into in order to resolve disputed claims and constitutes no admission on the part of the Respondent.
6. Respondent's license shall be placed on probation for two (2) years, with the following conditions, beginning on the date this Stipulation and Consent Order is accepted by the Board:
 - a. Within sixty (60) days of the date of approval of this Stipulation and Consent Order by the Board, the Respondent will provide its *typewritten* policies and procedures for the following (a) patient counseling and (b) detecting, resolving, and preventing medication dispensing errors. The typewritten policies and procedures shall relate to Respondent's operation of a general pharmacy. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to these policies and procedures whenever operating its pharmacy.
 - b. During probation, Respondent shall report to the Board or its designee quarterly. Said report shall be in writing. The report shall include the Respondent's place of employment, current address, and any further information deemed necessary by the Board from time to time. The reports shall be filed not later than June 5, 2001, September 5, 2001; December 5, 2001, March 5, 2002, June 5, 2002, and September 5, 2002, December 5, 2002, and March 5, 2002. The quarterly reports shall identify the current pharmacist in charge and all staff pharmacists and any further

information deemed necessary by the Board from time to time.

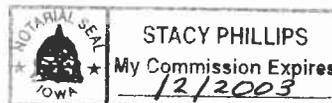
7. The Respondent may apply to the Board for modification of the provisions of Respondent's probation, including termination of the probation, after Respondent has successfully completed one year of probation. Respondent understands that the determination of whether to modify or terminate its probation will remain in the Board's discretion.
8. The Respondent shall 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 the 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.

13. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 16th day of March, 2001.

Stephanie J. Stock
WAL-MART PHARMACY 10-1496
Stephanie Stock, R.Ph.
Pharmacist in charge,
Respondent

Subscribed and sworn to before me by Stephanie Stock, who has stated to me that she is the pharmacist in charge of Wal-Mart Pharmacy 10-1496 and that she is authorized to sign this Stipulation and Consent Order on behalf of said Wal-Mart Pharmacy 10-1496 on this 16th day of March, 2001.



Stacy Phillips
NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

14. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 17 day of April, 2001.

Matthew C. Osterhaus
MATTHEW C. OSTERHAUS, Chairperson
Iowa Board of Pharmacy Examiners
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Shauna Russell Shields
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
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