

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

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Re:	)	Case No. 2000-16267
Pharmacist License of	)	
<b>BRENDA W. WEIRICK</b>	)	<b>STATEMENT OF CHARGES</b>
License No. 16267	)	
Respondent	)	

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**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. On February 23, 1983, the Board issued Respondent, Brenda W. Weirick, a license to engage in the practice of pharmacy by examination as evidenced by license number 16267, subject to the laws of the State of Iowa and the rules of the Board.
4. License number 16267 is current and active until June 30, 2000.
5. Respondent's current address is 4 ½ W. Howard Street, Colfax, Iowa 50054.
6. Respondent is currently self employed as the pharmacist in charge at Weirick & Patterson Pharmacy, 101 N. Walnut, Colfax, Iowa 50054, and has been employed as such during all times relevant to this statement of charges.

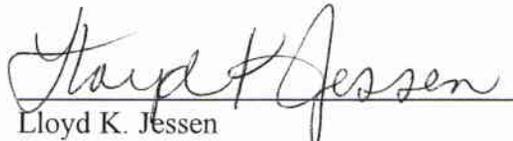
**COUNT I**

The Respondent is charged under Iowa Code § 155A.12(1) (1999) with violating the rules of the Board when she violated 657 Iowa Administrative Code 6.2(1)(i) (maintenance of records by pharmacist in charge); 6.2(1) (legal operation of pharmacy by pharmacist in charge); 6.7(3) (outdated drugs); 6.8(1) (maintenance of controlled substance records); 6.8(2) (maintenance of Schedule II controlled substance records); 6.8(6) (proper dating, initialing and filing of DEA form 222); 6.8(8) (initialing and date of receipt on controlled substances invoices); and 8.15(2) (drug product selection records).

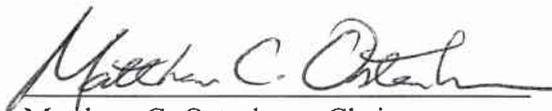
## THE CIRCUMSTANCES

1. On or about January 14, 2000, Board investigators conducted an investigation and controlled substance audit at the pharmacy where the Respondent serves as the pharmacist in charge.
2. The investigation and controlled substance audit referred to in paragraph 1, above, revealed multiple problems with the Respondent's controlled substances record keeping. These problems included, but were not limited to:
  - a. failure to maintain records of Schedule II controlled substances separately from other records;
  - b. failure to maintain controlled substance records in a manner to establish receipt and distribution of all controlled substances;
  - c. failure to record the quantity, actual date of receipt, and responsible person on suppliers' invoices; and
  - d. failure to document the name of the manufacturer or the NDC of the actual product dispensed when exercising drug product selection.
3. During the investigation and controlled substance audit referred to in paragraph 1, above, a Board investigator noted two outdated items that remained on the dispensing shelves.

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 10<sup>th</sup> day of July, 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**

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Re:	)	Case No. 2000-16267
Pharmacist License of	)	
<b>BRENDA W. WEIRICK</b>	)	<b>STIPULATION</b>
License No. 16267	)	<b>AND</b>
Respondent	)	<b>CONSENT ORDER</b>
	)	

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COME NOW the Iowa Board of Pharmacy Examiners ("the Board") and Brenda W. Weirick, R.Ph. ("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 July 10, 2000, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That Respondent was issued a license to practice pharmacy in Iowa on the 23<sup>rd</sup> day of February, 1983, by examination as evidenced by Pharmacist License Number 16267, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacist License Number 16267, issued to and held by Respondent is active and current until June 30, 2002.

3. Respondent is currently employed as the pharmacist in charge at Weirick & Patterson Pharmacy, 101 N. Walnut, Colfax, Iowa 50054, and has been employed as such during all times relevant to this case.
4. A Statement of Charges was filed against Respondent on July 10, 2000.
5. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.
6. Respondent does not contest the allegations set forth in the Statement of Charges and acknowledges that the allegations constitute grounds for discipline of her license to practice pharmacy in Iowa. Respondent represents to the Board that she addressed all of the allegations made in the Statement of Charges before entering into this Stipulation and Consent Order.
7. 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 her *typewritten* policies and procedures for the following: (a) ensuring adequate record keeping for drugs, including but not limited to controlled substances record-keeping; (b) maintaining accountability and control of drugs, including controlled substances; and (c) documenting, resolving, and preventing medication dispensing errors in the practice of pharmacy. The typewritten policies and procedures shall relate to Respondent's practice of

pharmacy in his current work setting as the pharmacist in charge of Weirick and Patterson Pharmacy. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to these policies and procedures whenever engaging in the practice of pharmacy. Respondent further acknowledges and understands that maintaining security of controlled substances in the pharmacy is the responsibility of the pharmacist in charge.

- b. Within six (6) months of the date of approval of this Stipulation and Consent Order by the Board, the Respondent shall complete continuing pharmacy education (CPE) or other formal, structured education in controlled substances record-keeping and maintaining accountability for controlled substances. The education shall be *not less than* six (6) hours in length and shall be pre-approved by the Board. Documentation of satisfactory completion of the education shall be submitted to the Board. This education is in addition to the thirty (30) hours of continuing pharmacy education required every two years for license renewal.
- c. During probation, Respondent shall inform the Board in writing within ten (10) days of any change of home address, place of employment, home telephone number, or work telephone number.
- d. 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 December 5, 2000, March 5, 2001, June 5, 2001, September 5, 2001; December 5, 2001, March 5, 2002, June 5, 2002, and September 5, 2002.

- e. Respondent shall not supervise any registered pharmacist-intern and shall not perform any of the duties of a pharmacy preceptor.
8. The Respondent may apply to the Board for modification of the provisions of Respondent's probation, including termination of the probation, after April 1, 2000. In the event the Board determines that modification of the provisions of Respondent's probation is appropriate, such modification shall be effective no sooner than June 1, 2000. Respondent understands that the determination of whether to modify or terminate her probation will remain in the Board's discretion.
9. The Respondent shall obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy.
10. Respondent shall notify all present employers and prospective employers (no later than at the time of an interview), including the pharmacist-in-charge, of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this document. Within thirty (30) days after approval of this Stipulation and Consent Order by the Board, and within fifteen (15) days of undertaking new employment as a pharmacist, Respondent shall cause her pharmacy employer and the pharmacist-in-charge that she 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.

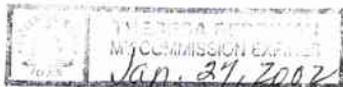
11. Should Respondent violate or fail to comply with any of the terms or conditions of this Stipulation and Consent Order, the Board may initiate action to revoke or suspend the Respondent's Iowa pharmacist license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A and 657 IAC 36.1.
12. 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.
13. 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.
14. 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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15. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 11 day of September, 2000.

Brenda W. Weirick  
Brenda W. Weirick, R.Ph.  
Respondent

Subscribed and sworn to before me by Brenda W. Weirick on this 11<sup>th</sup> day of Sept, 2000.



Theresa Perriman  
NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA

16. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 12 day of Sept., 2000.

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  
Des Moines, Iowa 50319

ATTORNEY FOR THE STATE

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ATTORNEY FOR RESPONDENT