

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

Re:)	Case No. 2000-289
Pharmacy License of)	
WEIRICK AND PATTERSON)	STATEMENT OF CHARGES
PHARMACY)	
License No. 289)	
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 289 with Brenda W. Weirick 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 289 is current until December 31, 2000.
5. Respondent is currently operating a general pharmacy at 101 N. Walnut, Colfax, Iowa 50054, with Brenda W. Weirick as the pharmacist in charge.

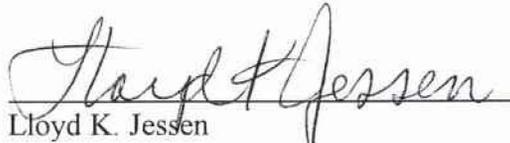
COUNT I

The Respondent is charged under Iowa Code § 155A.15(2) (1999) with violating the rules of the Board when it 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(maintenance of records by pharmacist in charge); 6.2(1) (legal operation of pharmacy by pharmacist in charge); 6.7(3) (outdated drugs); 6.8(1) (maintenance of controlled substance records); 6.8(2) (maintenance of Schedule II controlled substance records); 6.8(6) (proper dating,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).

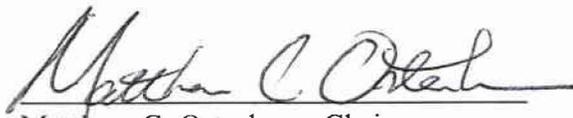
THE CIRCUMSTANCES

1. On or about January 14, 2000, Board investigators conducted an investigation and controlled substance audit at Respondent's pharmacy.
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 10th 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**

Re:)	
Pharmacy License of)	
WEIRICK AND PATTERSON)	STIPULATION
PHARMACY)	AND
License No. 289)	CONSENT ORDER
Respondent)	

COME NOW the Iowa Board of Pharmacy Examiners ("the Board") and Weirick and Patterson Pharmacy ("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's license to operate a pharmacy was renewed effective January 1, 2000, as evidenced by Pharmacist License Number 289, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That General Pharmacy License Number 289 issued to and currently held by Respondent is current and in force until December 31, 2000.
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 July 10, 2000.
5. Respondent does not contest the *allegations* set forth in the Statement of Charges and acknowledges that the *allegations* constitute grounds for the discipline of its license to operate a *pharmacy* in Iowa. Respondent represents to the Board that it addressed all of the *allegations* made in the Statement of Charges before entering into this Stipulation and Consent Order.
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) 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. Following review and approval by the Board, the Respondent agrees to adopt, implement, and adhere to these policies and procedures whenever operating as a pharmacy.
 - b. During probation, Respondent shall file sworn quarterly reports with the Board attesting to its compliance with all the terms and conditions of this

Stipulation and Consent Order. 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. 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 11 day of September 2000.

Brenda Weirick
 Weirick and Patterson Pharmacy
 Brenda W. Weirick, R.Ph.
 Pharmacist in Charge,
 Respondent

Subscribed and sworn to before me by Brenda W. Weirick, who has stated to me that he/she is the pharmacist in charge of Weirick and Patterson Pharmacy and that he/she is authorized to sign this Stipulation and Consent Order on behalf of said Weirick and Patterson Pharmacy on this 11th day of Sept, 2000.



Theresa Berrihan
 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 12th day of September, 2000.



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
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ATTORNEY FOR RESPONDENT