

BEFORE THE BOARD OF PHARMACY EXAMINERS  
OF THE STATE OF IOWA

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Re: Pharmacist License of JUDITH A. WELDON License No. 16484 Respondent	} } } } } }	COMPLAINT AND STATEMENT OF CHARGES AND NOTICE OF HEARING
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COMES NOW, Lloyd K. Jessen, Executive Secretary/Director of the Iowa Board of Pharmacy Examiners, on the 23rd day of October, 1992, and files this Complaint and Statement of Charges and Notice of Hearing against Judith A. Weldon, a pharmacist licensed pursuant to Iowa Code chapter 155A, and alleges that:

1. Alan M. Shepley, Chairperson; Marian L. Roberts, Vice Chairperson; Donna J. Flower; Phyllis A. Miller; Phyllis A. Olson; Ronald B. Reiff; and Arlan D. Van Norman are duly appointed, qualified members of the Iowa Board of Pharmacy Examiners.

2. Respondent was issued a license to practice pharmacy in Iowa on July 27, 1984, by examination.

3. Respondent currently resides at 3613 S.W. 37th Street, Des Moines, Iowa 50321.

4. Respondent is currently employed as a staff pharmacist at Mercy Hospital Medical Center, 6th and University, Des Moines, Iowa 50314.

5. Respondent's license to practice pharmacy in Iowa is current until June 30, 1994.

6. The board has received an investigative report from Chief Investigator James P. Theis dated September 22, 1992, which alleges that Respondent obtained, without prescriber authorization, an unspecified number of Fiorinal tablets, a schedule III controlled substance, from her employer, Mercy Hospital Medical Center, Pharmacy Department, 6th and University, Des Moines, Iowa, between October 1991 and September 1992.

7. Respondent is guilty of violations of 1991 Iowa Code sections 155A.12(1), 155A.12(5), 155A.23(1)(a), 204.308(3), 204.402(1)(a), and 204.403(1)(c) by virtue of the allegations in paragraph 6.

Iowa Code section 155A.12 provides, in part, the following:

...The board shall refuse to issue a pharmacist license for failure to meet the requirements of section 155A.8. The board may refuse to issue or renew a license or may impose a fine, issue a reprimand, or revoke, restrict, cancel, or suspend a license, and may place a licensee on probation, if the board finds that the applicant or licensee has done any of the following:

1. Violated any provision of this chapter or any rules of the board adopted under this chapter.

...  
5. Violated any provision of the controlled substances Act or rules relating to that Act.

Iowa Code section 155A.23 provides, in part, the following:

A person shall not:

1. Obtain or attempt to obtain a prescription drug or procure or attempt to procure the administration of a drug by:

a. Fraud, deceit, misrepresentation, or subterfuge....

Iowa Code section 204.308 provides, in part, the following:...

3. ...[A] controlled substance included in schedule III or IV, which is a prescription drug ... shall not be dispensed without a written or oral prescription of a practitioner.

Iowa Code section 204.402(1) provides, in part, the following:

It is unlawful for any person:

a. Who is subject to division III to distribute or dispense a controlled substance in violation of section 204.308;...

Iowa Code section 204.403(1) provides, in part, the following:

It is unlawful for any person knowingly or intentionally:...

c. To acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge;...

8. Respondent is guilty of violations of 657 Iowa Administrative Code sections 9.1(4)(h) and 9.1(4)(u) by virtue of the allegations in paragraph 6.

657 Iowa Administrative Code section 9.1(4) provides, in part, the following:

The board may impose any of the disciplinary sanctions set out in subrule 9.1(2), including civil penalties in an amount not to exceed \$25,000, when the board determines that the licensee or registrant is guilty of the following acts or offenses:...

h. Distribution of...drugs for other than lawful purposes. The distribution of drugs for other than lawful purposes includes but is not limited to the disposition of drugs in violation of Iowa Code chapters 155A, 203, 203A, and 204.

...

u. Violating any of the grounds for revocation or suspension of a license listed in Iowa Code sections 147.55, 155A.12 and 155A.15.

The Iowa Board of Pharmacy Examiners finds that paragraphs 7 and 8 constitute grounds for which Respondent's license to practice pharmacy in Iowa can be suspended or revoked.

**WHEREFORE**, the undersigned charges that Respondent has violated 1991 Iowa Code sections 155A.12(1), 155A.12(5), 155A.23(1)(a), 204.308(3), 204.402(1)(a), and 204.403(1)(c) and 657 Iowa Administrative Code sections 9.1(4)(h) and 9.1(4)(u).

**IT IS HEREBY ORDERED** that Judith A. Weldon appear before the Iowa Board of Pharmacy Examiners on Wednesday, January 13, 1993, at 9:00 a.m., in the second floor conference room, 1209 East Court Avenue, Executive Hills West, Capitol Complex, Des Moines, Iowa.

The undersigned further asks that upon final hearing the Board enter its findings of fact and decision to suspend or revoke the license to practice pharmacy issued to Judith A. Weldon on July 27, 1984, and take whatever additional action that they deem necessary and appropriate.

Respondent may bring counsel to the hearing, may cross-examine any witnesses, and may call witnesses of her own. If Respondent fails to appear and defend, Iowa Code section 17A.12(3) provides that the hearing may proceed and that a decision may be rendered. The failure of Respondent to appear could result in the permanent suspension or revocation of her license.

The hearing will be presided over by the Board which will be assisted by an administrative law judge from the Iowa Department of Inspections and Appeals. The office of the Attorney General is responsible for the public interest in these proceedings. Information regarding the hearing may be obtained from Lynette A. F. Donner, Assistant Attorney General, Hoover Building, Capitol

Complex, Des Moines, Iowa 50319 (telephone 515/281-8760). Copies of all filings with the Board should also be served on counsel.

IOWA BOARD OF PHARMACY EXAMINERS

A handwritten signature in cursive script, appearing to read "Lloyd K. Jessen", written over a horizontal line.

Lloyd K. Jessen  
Executive Secretary/Director

BEFORE THE BOARD OF PHARMACY EXAMINERS  
OF THE STATE OF IOWA

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Re: Pharmacist License of : **STIPULATION**  
JUDITH A. WELDON : **AND**  
License No. 16484 : **INFORMAL SETTLEMENT**  
Respondent :

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COMES NOW the Iowa Board of Pharmacy Examiners (the Board) and Judith A. Weldon, R.Ph., (Respondent) and, pursuant to Iowa Code sections 17A.10 and 258A.3(4), enter into the following Stipulation of the contested case currently on file:

1. Respondent was issued a license to practice pharmacy in Iowa on July 27, 1984, by examination.

2. Respondent's license is current until June 30, 1994.

3. Respondent's current address is 3613 S.W. 37th Street, Des Moines, Iowa 50321.

4. A Complaint and Statement of Charges and Notice of Hearing was filed against Respondent on October 23, 1992.

5. The Board has jurisdiction of the parties and the subject matter.

6. Respondent does not contest the allegations set forth in the complaint and agrees that the Board may treat the allegations as true. The Respondent understands that there is no admission on her part of the truth of the allegations, but merely an agreement that the Board may treat

the allegations as true for the purpose of this Informal Settlement.

7. Respondent's license to practice pharmacy is suspended for a period of three (3) months. The suspension is stayed, however, and the Respondent's license is placed on probation for a period of three (3) years from the approval of this Stipulation and Informal Settlement. During the probationary period the Respondent shall:

a. 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.

b. Pay all required fees for renewal of her pharmacist license to prevent the license from lapsing during the period of probation.

c. Obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy and all federal and state criminal laws.

d. Not supervise any registered intern and shall not perform any of the duties of a preceptor.

e. Submit a written report to the Board once every six (6) months, beginning on January 1, 1993, stating truthfully whether or not she has complied with all terms and conditions of her probation.

f. Comply with after-care recommendations of the First Step-Mercy Recovery Center, including regular attendance at Narcotics Anonymous support group meetings,

regular attendance at First Step-Mercy Recovery Center aftercare group meetings, involvement in the Pharmacists Aiding Pharmacists in Iowa (PAP'I) program, and compliance with all the terms of Respondent's continuing recovery agreement with First Step-Mercy.

g. Submit to biological fluid testing, at Respondent's cost, upon the request of the Board or its designee.

h. Not use any controlled substance or other prescription drug in any form unless prescribed for her by a licensed, treating physician. Respondent shall inform any treating physician of the terms of this Stipulation and Informal Settlement prior to accepting any prescription medication.

i. Provide evidence of efforts to maintain skill and knowledge as a pharmacist through continuing education (CE) as directed by the Board.

j. Notify all present and prospective employers of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this document. Within thirty (30) days after the approval of this Stipulation and Informal Settlement, and within fifteen (15) days of Respondent undertaking new employment, Respondent shall cause his employer to report to the Board in writing acknowledging the employer has read this document.

8. Should Respondent reside or practice outside of this State, Respondent shall notify the Board in writing of the dates of departure and return. Periods of residency or practice outside of this State shall not apply to reduction of the probationary period.

9. Should Respondent violate probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and carry out the stayed suspension. If a petition to revoke probation is filed against Licensee during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

10. Upon successful completion of probation, Respondent's certificate will be fully restored.

11. Stipulation and Informal Settlement is subject to approval of the Board. If the Board approves this Stipulation and Informal Settlement, it becomes the final disposition of this matter. If the Board fails to approve this Stipulation and Informal Settlement, it shall be of no force or effect to either party.

\* \* \* \* \*

12. This Informal Settlement is voluntarily submitted by the Respondent to the Board for its consideration on the 4<sup>th</sup> day of November, 1992.

Judith A. Weldon  
JUDITH A. WELDON  
Respondent

Signed and sworn to before me this 4<sup>th</sup> day of November, 1992.

Linda L. Pickering  
NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA

13. This Informal Settlement is accepted by the Iowa Board of Pharmacy Examiners on the 4<sup>th</sup> day of NOVEMBER, 1992.

Alan M. Shepley  
ALAN M. SHEPLEY, Chairperson  
Iowa Board of Pharmacy Examiners

**BEFORE THE IOWA BOARD OF PHARMACY**

Re: ) Case No. 2008-48  
Pharmacist License of )  
**JUDITH WELDON** ) **STATEMENT OF CHARGES**  
License No. 16484, )  
Respondent. )

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

1. He is the Executive Director for the Iowa Board of Pharmacy 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 (2007).
3. On July 27, 1984, the Board issued Judith Weldon (hereinafter, "Respondent"), after examination a license to engage in the practice of pharmacy as evidenced by license number 16484, subject to the laws of the State of Iowa and the rules of the Board.
4. Respondent's Iowa pharmacist license is current and active through June 30, 2010.
5. Respondent's address of record is 2255 South 4<sup>th</sup>, West Des Moines, Iowa 50265.
6. At all times material to this statement of charges, Respondent was the pharmacist in charge at Kindred Pharmacy Services, Inc./KPS Midwest, Inc., dba Kindred Pharmacy Services and PharMerica, at 2901 99<sup>th</sup> Street, Urbandale, IA 50322.

**A. CHARGES**

**COUNT I – LACK OF PROFESSIONAL COMPETENCY**

Respondent is charged with a lack of professional competency, in violation of Iowa Code § 155A.12(1) (2007) and 657 Iowa Administrative Code § 36.1(4)(b), 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 keep and maintain complete and adequate records of purchases and disposal of drugs, including controlled substances, in violation of Iowa Code §§ 155A.12(1) and 155A.12 (4) (2007), and 657 Iowa Administrative Code § 36.1(4)(ac).

## 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.12(1), 155A.12(5) (2007) and 657 Iowa Administrative Code §§6.2(12), 6.2(13) and 6.7.

## COUNT IV – ILLEGAL DISTRIBUTION OF DRUGS

Respondent is charged with distribution of drugs for other than lawful purposes in violation of Iowa Code § 155A.12(1) (2007) and 657 Iowa Administrative Code § 36.1(4)(h), specifically, distribution of prescription medications in the absence of a prescription.

## COUNT V– FAILURE TO ACT AS PHARMACIST IN CHARGE

The Respondent is charged with failing to perform the duties of a pharmacist in charge in violation of Iowa Code §§ 155A.12(1) (2007) and 657 Iowa Administrative Code § 6.2.

### B. CIRCUMSTANCES

Circumstances supporting the above charges are set forth in Attachment A.

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 7<sup>th</sup> day of October 2008, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.

  
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LEMAN OLSON, 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

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**BEFORE THE IOWA BOARD OF PHARMACY**

Re: ) Case No. 2008-48  
Pharmacist License of )  
**JUDITH WELDON** ) **STIPULATED**  
License No. 16484 ) **CITATION AND**  
Respondent ) **WARNING**

RECEIVED  
MAY 14 2010  
IOWA BOARD OF PHARMACY

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2009), the Iowa Pharmacy Board (hereinafter, “Board”) and Judith Weldon (hereinafter, “Respondent”), enter into the following Stipulated Citation and Warning settling a licensee disciplinary proceeding currently pending before the Board.

Allegations specified in a Statement of Charges filed against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

1. Respondent was issued a license to practice pharmacy in Iowa on July 27, 1984, after examination, as evidenced by Pharmacist License Number 16484, which is recorded in the permanent records of the Board.
2. The Iowa Pharmacist License issued to and held by Respondent is active and current until June 30, 2010.
3. Respondent was, at all times material to the Statement of Charges, employed as the pharmacist in charge at a Kindred Pharmacy Service, Inc./Kindred Midwest, Inc., dba Kindred Pharmacy Services and PharMerica, 2901 99<sup>th</sup> Street, Urbandale, Iowa 50322.
4. A Statement of Charges was filed against Respondent by the Board on October 7, 2008.
5. The Board has jurisdiction over Respondent and jurisdiction over the subject

matter of these proceedings.

6. Respondent has chosen not to contest the allegations set forth in the Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for this citation and warning.

7. Within three (3) months after the date of the Board's approval of this Stipulated Citation and Warning, Respondent will submit to the Board *typewritten*<sup>1</sup> pharmacy policies and procedures regarding the following: (i) controlled substance security, (ii) controlled substance disposal, and (iii) controlled substance recordkeeping and accountability. Following review and approval by the Board, Respondent agrees to adopt, implement, and adhere to these policies and procedures in her current employment setting and whenever engaging in the practice of pharmacy – unless specific policies and procedures adopted by Respondent's employer prevent such adherence.

8. Within three (3) months after the date of the Board's approval of this Stipulation and Consent Order, Respondent shall complete not less than two (2) hours of formal, structured continuing pharmacy education ("CPE") which shall be pre-approved by the Board. The CPE shall be focused on controlled substance record keeping. Upon completion of the 2 hours of CPE, documentation of satisfactory completion shall be promptly submitted to the Board. This CPE shall be in addition to – not in lieu of – the thirty (30) hours of continuing pharmacy education required every two years for license renewal.

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<sup>1</sup> For the purposes of this order, "*typewritten*" policies may be generated on computer word-processing equipment.

9. Should Respondent violate or fail to comply with any of the terms of this Stipulated Citation and Warning, the Board may initiate action to revoke or suspend Respondent's Iowa pharmacist license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2009) and 657 IAC 36.

11. 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.

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

13. This Stipulated Citation and Warning 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 the Board or Respondent. If the Board approves this Stipulated Citation and Warning, it shall be the full and final resolution of this matter.

14. The Board's approval of this Stipulated Citation and Warning shall constitute a FINAL ORDER of the Board.

This Stipulated Citation and Warning is voluntarily submitted by Respondent to the Board for its consideration on the 4 day of April 2010.

May

Judith A. Weldon R.Ph.  
JUDITH WELDON, R.Ph.  
Respondent

Subscribed and sworn to before me by Judith Weldon on this 10th day of May 2010.



Amanda C. Dunn  
NOTARY PUBLIC IN AND FOR  
THE STATE OF IOWA

This Stipulation and Consent Order is accepted by the Iowa Pharmacy Board on the 1<sup>st</sup> day of June 2010.

Vernon H. Benjamin  
VERNON H. BENJAMIN Chairperson  
Iowa Pharmacy Board  
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

Judith Weldon  
2255 South 4th Street,  
West Des Moines, IA 50265

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