

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	CASE NO. 2015-102
Pharmacist License of)	
)	TERMINATION ORDER
Jerod Work)	
License No. 20153)	
Respondent)	

On November 1, 2016, the Iowa Board of Pharmacy issued a Settlement Agreement and Final Order, which placed the Respondent on Probation for a period of three years.

Respondent has successfully completed the terms and conditions of probation as set forth in the Settlement Agreement and Final Order.

IT IS THEREFORE ORDERED that the probation placed upon Respondent's pharmacist license is terminated and Respondent's pharmacy license is returned to its full privileges, free and clear of all restrictions.

Dated this 26th day of June, 2020.



Andrew Funk, Pharm.D., Executive Director
Iowa Board of Pharmacy

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	CASE NO. 2015-102
Pharmacist License of)	
)	SETTLEMENT AGREEMENT
JEROD WORK)	AND FINAL ORDER
License No. 20153)	
Respondent.)	

Pursuant to Iowa Code sections 17A.12(5) and 272C.3(4) (2015), and 657 IAC 36.6, the Iowa Board of Pharmacy ("Board") and Jerod Work ("Respondent") enter into the following Settlement Agreement and Final Order ("Order") to settle a contested case currently pending before the Board.

The allegations contained in the Statement of Charges against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

1. The Board filed a Notice of Hearing and Statement of Charges on March 8, 2016.
2. The Board has jurisdiction over the parties and the subject matter of these proceedings.
3. Respondent admits the allegations in the Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Order.
4. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to hearing before the Board on the charges, but Respondent waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's actions, by freely and voluntarily entering into this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.
5. Respondent acknowledges that he has the right to be represented by counsel on this matter.
6. Respondent agrees that the State's counsel may present this Order to the Board and may have *ex parte* communications with the Board while presenting it.
7. This Order is subject to approval by a majority of the full Board. If the Board does not approve this Order, it shall be of no force or effect to either party, and shall not be admissible for any purpose in further proceedings in this matter. If the Board approves this Order, it shall be the full and final resolution of this matter.

8. This Order shall be part of Respondent's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

9. This Order shall not be binding as to any new complaints received by the Board.

10. Respondent understands the Board is required by federal law to report any adverse action to the National Association of Boards of Pharmacy's Disciplinary Clearinghouse and the National Practitioner Data Bank.

11. This Order, when fully executed, is a public record and is available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.

12. The Board's approval of this Order shall constitute a FINAL ORDER of the Board.

IT IS THEREFORE ORDERED:

13. Respondent shall pay a **CIVIL PENALTY** in the amount of one-thousand dollars (\$1,000) within sixty (60) days of Board approval of this Order. The check shall be made payable to the "Treasurer of Iowa" and shall be deposited in the general fund. The civil penalty should be mailed to the Iowa Board of Pharmacy, Attn: Debbie Jorgenson, 400 SW Eighth Street, Suite E, Des Moines, IA 50309.

14. Respondent's license is hereby placed on **PROBATION** for a period of three (3) years subject to the following terms:

- a. Respondent shall not serve as a pharmacist-in-charge or pharmacist preceptor while on probation.
- b. Prior to accepting any position as a pharmacist, Respondent shall provide a copy of the Notice of Hearing and Statement of Charges and this Order to the potential pharmacy employer.
- c. Respondent shall submit semiannual reports to the Board describing his current employment and compliance with these probationary terms, and shall provide updates regarding any changes in contact information. Said semiannual reports are due on January 15 and July 15 of each calendar year during the probationary period.

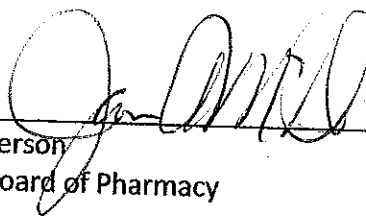
15. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 147, 155A, and 272C and 657 IAC 36.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 26th day of October, 2016.



JEROD WORK
Respondent

This Settlement Agreement and Final Order is approved by the Iowa Board of Pharmacy on the 1st day of November, 2016.



Chairperson
Iowa Board of Pharmacy

Copies to:

Laura Steffensmeier
Office of the Attorney General of Iowa
Licensing and Administrative Law Division
1305 E. Walnut St.
Des Moines, IA 50319
ATTORNEY FOR THE STATE

Michael J. Jacobsma
JACOBSMA & CLABAUGH PLC
81 West 1st St.
P.O. Box 226
Sioux Center, IA 51250
ATTORNEY FOR RESPONDENT

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	CASE NO. 2015-102
Pharmacist License of)	
)	NOTICE OF HEARING AND
JEROD WORK)	STATEMENT OF CHARGES
License No. 20153)	
Respondent.)	

COMES NOW the Iowa Board of Pharmacy ("Board") and files this Notice of Hearing and Statement of Charges against Jerod Work ("Respondent"), 526 Second Ave. NE, Sioux Center, IA 51250, pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and 272C.3(1)"e", and 657 IAC 35.5 and 36.5. Respondent's Iowa pharmacist license number 20153 is currently active through June 30, 2017.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on May 3, 2016, before the Board. The hearing shall be held during the morning session beginning at 9:00 a.m. and shall be located in the Board conference room located at the Iowa Board of Pharmacy Office, 400 S.W. 8th Street, Suite E, Des Moines, Iowa, 50309-4688.

Answer. Within twenty (20) days of the date you are served this Notice of Hearing and Statement of Charges, you may file an Answer pursuant to 657 IAC 35.11. The Answer should specifically admit, deny, or otherwise answer all allegations contained in sections C and D of this Notice of Hearing and Statement of Charges.

Filing of Pleadings. Pleadings shall be filed with the Board at the following address: Iowa Board of Pharmacy, 400 S.W. 8th Street, Suite E, Des Moines, Iowa, 50309-4688.

Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge from the Department of Inspections and Appeals make initial rulings on prehearing matters, and be present to assist and advise the Board at hearing.

Pre-hearing Conference. Any party may request a prehearing conference in accordance with 657 IAC 35.15 to discuss issues related to the hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 657 IAC 35. At the hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at the hearing. If you need to request an alternative time or date for the hearing, you must comply with the requirements in 657 IAC 35.16. The hearing may be open to the public or closed to the public at your discretion.

Prosecution. The Office of Attorney General is responsible for representing the public interest (the State) in this proceeding. Copies of pleadings should be provided to counsel for the State at the following address:

Laura Steffensmeier
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319

Ms. Steffensmeier can also be reached by phone at (515) 281-6690 or by e-mail at laura.steffensmeier@iowa.gov.

Communications. You may contact the Board office at (515) 281-5944 with questions regarding this notice and other matters relating to these disciplinary proceedings. You may not contact individual Board members in any manner, including by phone, letter, or e-mail, regarding this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and the opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case.

B. LEGAL AUTHORITY AND JURISDICTION

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 155A, and 272C (2015).

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 147, 155A, and 272C, and 657 IAC 36.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 657 IAC 35.21.

C. CHARGES

COUNT I

UNPROFESSIONAL BEHAVIOR—THEFT

Respondent is charged with exhibiting unprofessional behavior in connection with the practice of pharmacy, specifically theft, in violation of 657 IAC 8.11(8), pursuant to Iowa Code sections 147.55(9) and 155A.12(1), and 657 IAC 36.1(4)"u".

COUNT II

FAILURE TO RECORD PURCHASES OF PSEUDOEPHEDRINE

Respondent is charged with failing to record purchase records in the real-time electronic pseudoephedrine tracking system (PTS) established and administered by the governor's office of drug control policy in violation of 657 IAC 10.32(6), pursuant to Iowa Code sections 147.55(9) and 155A.12(1), and 657 IAC 36.1(4)"u".

COUNT III
FAILURE TO NOTIFY OF CHANGE IN EMPLOYMENT

Respondent is charged with failing to report to the board within ten days a change of the pharmacist's pharmacy employment in violation of 657 IAC 2.15, pursuant to Iowa Code sections 147.55(9) and 155A.12(1), and 657 IAC 36.1(4)"u".

D. FACTUAL CIRCUMSTANCES

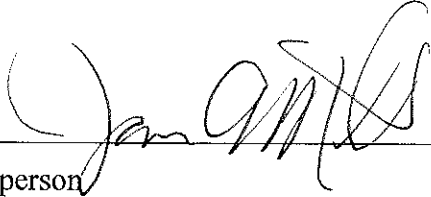
1. At all times relevant, Respondent served as the pharmacist in charge at Lewis Family Drug.
2. On several occasions from December 2014 to May 2015, Respondent took over-the-counter drugs, including pseudoephedrine-containing products, from the pharmacy without paying for them.
3. An audit from July 2014 through May 2015 revealed a shortage of approximately 135 packages of pseudoephedrine-containing products.
4. On at least one occasion, Respondent admitted to taking a pseudoephedrine-containing product without logging the transaction into the Iowa Electronic Pseudoephedrine Tracking System.
5. Respondent's employment with Lewis Family Drug ended on or around May 13, 2015. To date, Respondent has not notified the Board that he is no longer employed at that pharmacy.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 657 IAC 36.6. If you are interested in pursuing settlement in this matter, please contact Assistant Attorney General Laura Steffensmeier at (515) 281-6690.

F. FINDING OF PROBABLE CAUSE

On this 8th day of March, 2016, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.



Chairperson
Iowa Board of Pharmacy

Copy to:

Laura Steffensmeier
Assistant Attorney General
Hoover Building, 2nd Floor
Des Moines, IA 50319

PLEASE NOTE: If you require the assistance of auxiliary aids or services to participate in this matter because of a disability, immediately call 515-281-5944. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942).