

**BEFORE THE IOWA BOARD OF PHARMACY**

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

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**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. 8<sup>th</sup> 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. 8<sup>th</sup> 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  
2<sup>nd</sup> 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](mailto: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**

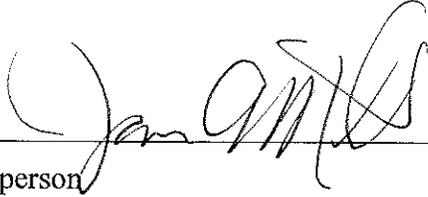
1. At all times relevant, Respondent served as the pharmacist in charge at Lewis Family Drug.
2. On several occasions from December 2014 to May 2015, Respondent took over-the-counter drugs, including pseudoephedrine-containing products, from the pharmacy without paying for them.
3. An audit from July 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.

  
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Chairperson  
Iowa Board of Pharmacy

Copy to:

Laura Steffensmeier  
Assistant Attorney General  
Hoover Building, 2<sup>nd</sup> 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).