

BEFORE THE IOWA BOARD OF PHARMACY

RE:
Pharmacy License of

LEEDS PHARMACY
License No. 227
Respondent.

CASE NO. 2017-33

**SETTLEMENT AGREEMENT AND
FINAL ORDER**

Pursuant to Iowa Code sections 17A.12(5) and 272C.3(4) (2017), and 657 IAC 35.24, the Iowa Board of Pharmacy ("Board") and Leeds Pharmacy ("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 November 1, 2017.
2. The Board has jurisdiction over the parties and the subject matter of these proceedings.
3. Respondent acknowledges that allegations contained in the Statement of Charges, 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 it 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:

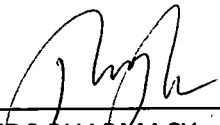
13. Respondent's license shall be placed on **PROBATION** for a period of two (2) years, subject to the following conditions:

- a. 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.
- b. Respondent shall update its policy and procedure for its continuous quality improvement (CQI) program and re-train all staff on the policy and procedure. Within sixty (60) days of Board approval of this Order, Respondent shall submit a copy of the updated CQI program policy and procedure and a record of re-training to the Board.
- c. Respondent shall submit all CQI reports to the Board immediately upon completion. The purpose of this paragraph is to ensure the identified correction plan is appropriate for the error, ensure correction plans are implemented, and to reduce errors. Respondent shall cooperate with the assigned Board compliance officer to correct CQI reports, update the CQI program policy and procedure, and implement changes to reduce dispensing errors, as applicable. Respondent's submission of a CQI report alone shall not trigger the opening of a complaint for the dispensing error unless the error implicates a pharmacist's professional judgment. Respondent's failure to cooperate with the assigned Board compliance officer to correct CQI reports, update the CQI program policy and procedure, and implement changes to reduce dispensing errors, as applicable, may be considered a violation of this Order.

- d. Respondent shall notify all current employees and any future employees of this Order and the probationary status of Respondent's license.
- e. Respondent shall obey all Federal and State laws and regulations governing the practice of pharmacy.
- f. The civil penalty should be mailed to the Iowa Board of Pharmacy, Attn: Amanda Woltz, 400 SW 8th St, Ste E, Des Moines IA 50309. The CQI policy and procedure, record of re-training, and CQI reports required to be submitted to the Board pursuant to paragraphs 13b and 13c may be mailed or emailed to Amanda.Woltz@iowa.gov.

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

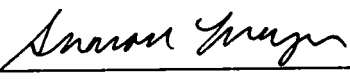
This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 1 day of December, 2017.



LEEDS PHARMACY
Respondent

By the signature above, Robert Rehal acknowledges s/he is the Owner for Respondent and is authorized to sign this Settlement Agreement and Final Order on behalf of Respondent.

This Settlement Agreement and Final Order is approved by the Iowa Board of Pharmacy on the 16 day of January, 2018.



Chairperson
Iowa Board of Pharmacy

BEFORE THE IOWA BOARD OF PHARMACY

RE:
Pharmacy License of

LEEDS PHARMACY
License No. 227
Respondent.

CASE NO. 2017-33

**NOTICE OF HEARING AND
STATEMENT OF CHARGES**

COMES NOW the Iowa Board of Pharmacy ("Board") and files this Notice of Hearing and Statement of Charges against Leeds Pharmacy ("Respondent"), 2729 Outer Dr N, Sioux City IA 51104, pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and 272C.3(1)"e", and 657 IAC 35.6 and 35.7. Respondent's Iowa pharmacy license number 227 is currently active through December 31, 2017.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on January 16, 2018, before the Board. The hearing shall begin at 1:00 p.m. and shall be located in the Board conference room located at the Iowa Board of Pharmacy Office, 400 SW 8th St, Ste E, Des Moines IA 50309.

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 35.16. 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 either by e-mail, if done in compliance with 657 IAC 35.17(2), to Amanda.Woltz@iowa.gov, or by mail/delivery to the following address: Iowa Board of Pharmacy, 400 SW 8th St, Ste E, Des Moines IA 50309.

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.

Hearing Procedures. The procedural rules governing the conduct of the contested case hearing, including prehearing matters, are found at 657 IAC chapter 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. The hearing may be open to the public or closed to the public at your discretion, pursuant to Iowa Code section 272C.6(1) and 657 IAC 35.25(10).

Prosecution. The Office of Attorney General of Iowa is responsible for representing the public interest (the State) in this proceeding. Counsel for the State in this matter is Assistant Attorney General Laura Steffensmeier. Ms. Steffensmeier can be reached by phone at (515) 281-6690. Copies of pleadings should be provided to counsel for the State either by email to Laura.Steffensmeier@iowa.gov, or by mail/delivery to the following address:

Laura Steffensmeier
Assistant Attorney General
Hoover State Office Building—2nd Floor
1305 E Walnut St
Des Moines IA 50319

Communications. 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 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, 155A, and 272C (2017).

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 155A and 272C, and 657 IAC chapter 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 35.27.

C. STATEMENT OF CHARGES

COUNT I DISPENSING INCORRECT PRESCRIPTION

Respondent is charged with dispensing, or contributing to the dispensing of, an incorrect prescription, which includes, but is not limited to, the incorrect drug, the incorrect strength, the incorrect patient or prescriber, or the incorrect or incomplete directions, and may be disciplined pursuant to Iowa Code section 155A.15(2)(c) and 657 IAC 36.6(42).

D. FACTUAL CIRCUMSTANCES

1. In September of 2016, Respondent dispensed two prescriptions with the incorrect dosage.

2. In June of 2017, Respondent dispensed four prescriptions to a patient, only one of which was prescribed to the patient. The other three prescriptions were for a patient with a similar name.

3. Respondent has prior discipline from the Board for dispensing errors.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 657 IAC 35.24. To cancel a scheduled hearing, an executed settlement agreement must be received by the Board at least three (3) business days prior to the scheduled hearing. If you are interested in pursuing settlement in this matter, please contact the Assistant Attorney General identified above.

F. FINDING OF PROBABLE CAUSE

On this 1st day of November, 2017, 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 State Office Building—2nd Floor
1305 E Walnut St
Des Moines IA 50319
ATTORNEY FOR THE STATE

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).