

BEFORE THE PHARMACY BOARD OF THE STATE OF IOWA

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| <p>IN THE MATTER OF</p> <p>MARDELL STUERMAN 32446 Green Avenue Sioux City, Iowa 51108 Pharmacist license 16875</p> <p>RESPONDENT</p> | <p>CASE NO.: 2023-0158</p> <p>COMBINED STATEMENT OF CHARGES, SETTLEMENT AGREEMENT, AND FINAL ORDER</p> |
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COME NOW the Iowa Board of Pharmacy ("Board") and Mardell Stuerman ("Respondent") to enter into this Combined Statement of Charges, Settlement Agreement, and Final Order ("Order") pursuant to Iowa Code sections 17A.10(2), 272C.3(4), and 272C.10 and 657 IAC 35.24.

A. BACKGROUND

1. **Iowa License.** Respondent was issued Iowa pharmacist license 16875 most recently on June 24, 2024. Respondent's Iowa pharmacist license is active and will next expire on June 30, 2026.
2. **Practice Setting.** Respondent was an Iowa-licensed pharmacist practicing in Sioux City, Iowa, during the time period relevant to these allegations.
3. **Jurisdiction.** The Board has jurisdiction in this matter pursuant to Iowa Code § 155A.
4. **Stipulated Facts.** On or about the date of October 6, 2023, a patient presented at Hy-Vee Pharmacy 1610 in Sioux City, Iowa, to receive a COVID-19 booster vaccination. Respondent incorrectly administered an influenza vaccine to the patient who had requested a COVID-19 booster vaccination.

B. STATEMENT OF CHARGES

COUNT I

5. Respondent is charged under 657 Iowa Administrative Code 36.6(41) with dispensing an incorrect prescription.

C. SETTLEMENT AGREEMENT

6. Respondent acknowledges that the allegations in the Stipulated Facts section, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Order.

7. In order to resolve this matter without proceeding to hearing, Respondent agrees to the following conditions:

a. Respondent is cited for violation of the above-mentioned rules and warned that future violation of the Board's rules could result in disciplinary action.

8. In accepting this Settlement Agreement, Respondent acknowledges the following:

a. This Settlement Agreement and Final Order is subject to the approval of the Board and will have no force or effect if it is not accepted by the Board.

b. Counsel for the State will present this Settlement Agreement and Final Order to the Board *ex parte*.

c. I have the right to be represented by counsel in this matter. During the course of these negotiations I was represented by Alissa Smith and Rebecca Brommel of Dorsey and Whitney.

d. I understand I have an opportunity to be heard and to contest the allegations against me in a formal hearing before the Board and that by waiving the formal hearing, I waive my right to challenge the allegations against me and all attendant rights, including the right to seek judicial review of the Board's actions.

- e. I waive my ability to review the investigative file in this case.
- f. I understand this Combined Statement of Charges, Settlement Agreement, and Final Order will be part of my permanent licensure file and may 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.
- g. I am voluntarily entering into this Combined Statement of Charges, Settlement Agreement, and Final Order.
- h. Failure to comply with the provisions of this Combined Statement of Charges, Settlement Agreement, and Final Order shall be grounds for further disciplinary action pursuant to Iowa Code § 272C.3(2)(a).
- i. Respondent understands and acknowledges the Board will report this Order to the National Association of Boards of Pharmacy (NABP) Clearinghouse. The report to the database will reflect the language included in this Order.

12. This Combined Statement of Charges, Settlement Agreement, and Final Order constitutes discipline against Respondent and is the final agency action in a contested case pursuant to Iowa Code section 17A.10.

13. This Combined Statement of Charges, Settlement Agreement, and Final Order shall not preclude the Board from taking additional action against Respondent should Respondent violate laws, rules, or standards of practice administered by the Board in the future.

14. This Combined Statement of Charges, Settlement Agreement, and Final Order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 17A, 22, and 272C.

15. The Board's approval of this Order shall constitute a **Final Order** of the Board.

D. FINAL ORDER

IT IS THEREFORE ORDERED:

- 1) Citation and Warning. Respondent is cited for violation of the Board rules outlined above and warned that such conduct in the future may be subject to Board discipline.

FOR THE RESPONDENT:

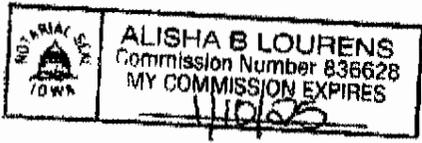
Voluntarily agreed to and accepted by Mardell Stuerman on this 18th day of October, 2024.

Mardell Stuerman
 By: Mardell Stuerman, Respondent

State of Iowa

County of Woodbury

Signed and sworn to before me on this 18th day of October, 2024, by:



Alisha Lourens
 Notary Public, State of Iowa
 Printed Name: Alisha Lourens
 My Commission Expires: 11/01/25

FOR THE IOWA BOARD OF PHARMACY:

Voluntarily agreed to and accepted by the **IOWA BOARD OF PHARMACY** on this 5th day of November, 2024.

Kathryn Stone
 Chairperson
 Iowa Board of Pharmacy