

BEFORE THE IOWA BOARD OF PHARMACY

RE: Pharmacy License of PHARMScript OF IA, LLC License No. 5072 Respondent	CASE NO. 2023-0063 COMBINED STATEMENT OF CHARGES, SETTLEMENT AGREEMENT, AND FINAL ORDER
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COME NOW the Iowa Board of Pharmacy (“Board”) and PharmScript of IA, LLC (“Respondent”), 2601 104th Street, Urbandale, Iowa, and enter into this Combined Statement of Charges, Settlement Agreement, and Final Order (“Order”) pursuant to Iowa Code sections 17A.10 and 272C.3(4), and 657 Iowa Administrative Code (IAC) 35.5. The Board has the authority to take disciplinary action pursuant to Iowa Code sections 155A.15(2) and 272C.3, and 657 IAC 8.3(3) and 36.

A. STATEMENT OF CHARGES

COUNT I

Respondent is charged under 657 IAC 36.6(41) with dispensing an incorrect prescription.

COUNTS II-VII

Respondent is charged under 657 IAC 36.6(2)“d” with willful or repeated departure from, or the failure to conform to, the minimal standard of prevailing practice of pharmacy in the state of Iowa.

B. FACTUAL CIRCUMSTANCES

1. Respondent’s pharmacy license number is 5072.
2. Respondent’s pharmacy license is active and in good standing until December 31, 2024.
3. On or about March 28, 2023, the Board received a complaint against Respondent.
4. On April 28, 2023, Respondent received a prescription for Macrobid for patient M.M. with instructions to be administered through May 3, 2023 (ten doses). Respondent’s personnel mistakenly entered the number of doses as fourteen, and the pharmacy dispensed fourteen doses on April 28. Subsequently, due to delayed delivery by its courier, Respondent did not deliver the dispensed medication to the patient until April 30, 2023.
5. On April 28, 2023, Respondent received a prescription for ciprofloxacin for patient B.C. with instructions to be administered through May 3, 2023 (ten doses). The same personnel correctly entered the number of doses, and the pharmacy dispensed ten doses on April 28.

Subsequently, after receiving a report that the medication had not been delivered (same courier delay as above), Respondent delivered eight doses on April 29, 2023. Respondent's courier then delivered the originally dispensed ten doses on April 30, 2023.¹

6. On February 8, 2023, Respondent received and dispensed a prescription for levothyroxine 88mcg for patient B.C. that was submitted through the applicable long-term care facility's electronic health record (EHR) system. The same day, Respondent also received a separate prescription for levothyroxine 75mcg for patient B.C. submitted through SureScripts (e-prescribing software) from the patient's practitioner. Respondent's patient notes identified the need to clarify the dose to be dispensed. However, Respondent first delivered the 88mcg strength to the patient and then, after clarification and revision of the order submitted through the long-term care facility's EHR system, delivered the 75mcg strength for patient B.C.
7. The Board's investigation revealed Respondent failed to timely deliver prescribed medications to patients,² for varying reasons, as follows:
 - a. Sertraline was ordered for T.S. on April 4, 2023, and was not delivered until April 11, 2023;
 - b. Butalbital/APAP/caffeine was ordered for M.H. on March 15, 2023, and was not delivered until March 21, 2023;
 - c. Tresiba was reordered for L.W. on April 9, 11, and 12, 2023, and was not delivered until April 12, 2023;
 - d. Diazepam was ordered for D.G. on March 5, March 28, and April 10, 2023, and was not delivered until April 11, 2023; and
 - e. Levofloxacin was ordered for M.T. on March 21, 2023, and was not delivered until March 23, 2023.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

8. The Board has jurisdiction over Respondent and the subject matter of this proceeding.
9. Respondent acknowledges the allegations in the Statement of Charges, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Order.
10. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to a hearing before the Board on the charges, but Respondent waives the right to a hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's action, 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.

¹ Records show that the emergency/first dose stock that Respondent manages at the applicable long-term care facility was used to access a dose of the prescribed medication for patient B.C. on April 29, 2023.

² While there were additional patients who failed to timely receive medication in violation of the standard of care, the matters for these patients are charged herein. The State reserves the right to amend these facts as permitted by Iowa law and the Board's administrative rules.

11. Respondent acknowledges it has the right to be represented by counsel on this matter.
12. 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.
13. This Order is disciplinary action and shall be reported as discipline.
14. 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.
15. 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.
16. 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.
17. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.

IT IS THEREFORE ORDERED:

- A) Respondent is **cited** and **warned** concerning the events described herein;
- B) For a period of two (2) years beginning January 1, 2024, Respondent shall submit sworn **reports** to the Board identifying any mis-fills of prescriptions that occurred during the reporting period; how many times during the reporting period Respondent's process for escalation was used for correcting a mis-fill or delivery delay and involved escalation to PharmScript's Regional Operations Senior Management team; any Continuous Quality Improvement/dispensing quality events that the Respondent identified during the reporting period; and any delays in delivery of dispensed medication from Respondent to patients at a long-term care facility that occurred more than two hours past the scheduled estimated time of arrival during the reporting period and reasons why they occurred. The reports shall also describe Respondent's associated remediation plans and efforts. The reports shall be filed with the first not later than December 5, 2024, and biannually during 2025, not later than June 5 and December 5 of that year.
- C) Respondent shall **pay administrative costs** in the amount of **\$1,000.00**;
- D) Should the Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code Chapters 124, 155A, 272C, 657 IAC chapter 36.

By the signature below, signatory acknowledges they are authorized to sign this Combined Statement of Charges, Settlement Agreement, and Final Order on behalf of Respondent.

John Camperlengo

10/30/24

NAME

Date

On Behalf of PharmScript of IA, LLC
Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the
Iowa Board of Pharmacy on November 5, 2024.

Kathryn Stone

CHAIRPERSON

Iowa Board of Pharmacy