



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-040205-057)

In The Matter Of:

JEFFREY ALLEN ISERMAN, R.Ph.

746 Whisperlake Road

Holland, Ohio 43528

(R.Ph. No. 03-1-22210)

INTRODUCTION

THE MATTER OF JEFFREY ALLEN ISERMAN CAME FOR HEARING ON AUGUST 3, 2004, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: LAWRENCE J. KOST, R.Ph.; (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

JEFFREY ALLEN ISERMAN WAS REPRESENTED BY MARY BARLEY-MCBRIDE AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. Joseph Reichert, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses

1. Jeffrey Allen Iserman, R.Ph., Respondent
2. Michael Kitz, R.Ph.

State's Exhibits

1. Copy of Notice of Opportunity For Hearing letter [02-05-04]
1A-1D. Procedurals
2. Rx #6676621 [10-02-03]
3. Copy of Rx #6676621 Patient Receipt Form [10-02-03]
4. Notarized Statement of Jeffrey A. Iserman [12-04-03]

Respondent's Exhibits

- A. Copy of Columbus KMA Management Salary Review Sheet of Jeffrey Iserman[06-01-00]
- B. Copy of Kroger Performance Evaluation of Jeff Iserman [06-21-01]

- C. Copy of Kroger Performance Evaluation of Jeff Iserman [not dated]
- D. Copy of Kroger Pharmacist Performance Evaluation of Jeff Iserman [02-28-04]
- E. Copy of Customer Appreciation Note [not dated]
- F. Copy of Customer Appreciation Note [08/22/03]

FINDINGS OF FACT

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds the following to be fact:

- (1) Records of the State Board of Pharmacy indicate that Jeffrey Allen Iserman was originally licensed by the State of Ohio as a pharmacist on August 13, 1997, pursuant to examination, and is currently licensed to practice pharmacy in Ohio. Records further reflect that during the relevant time periods stated herein, Jeffrey Allen Iserman was the Responsible Pharmacist at Kroger Pharmacy N-895, 7545 Sylvania Avenue, Sylvania, Ohio, pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.
- (2) Jeffrey Allen Iserman did, on or about October 2, 2003, misbrand a drug, to wit: when Jeffrey Allen Iserman received a prescription for digoxin 0.25 mg for a chemotherapy patient, he misinterpreted Rx #6676621, and dispensed the drug with the wrong directions for use, rendering the drug dangerous to health when used in the dosage or frequency or duration as stated on the labeling. The patient was subsequently hospitalized due to the toxic levels from the drug overdose. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code (relating to Section 3715.64(A)(11) of the Ohio Revised Code.
- (3) Jeffrey Allen Iserman did, on or about October 2, 2003, dispense a drug pursuant to prescription without having the correct directions for use indicated on the label affixed to the container, to wit: when dispensing Rx #6676621, Jeffrey Allen Iserman did not indicate the directions for use of the drug as was prescribed by the physician. Such conduct is in violation of Rule 4729-5-16 of the Ohio Administrative Code.
- (4) Jeffrey Allen Iserman did, on or about October 2, 2003, fail to perform prospective drug utilization review, to wit: when dispensing medications to a patient pursuant to Rx #6676621, Jeffrey Allen Iserman failed to review the original prescription for over-utilization, incorrect drug dosage and duration of drug treatment, and misuse in accordance with the mandates set forth in Rule 4729-5-20(C) of the Ohio Administrative Code and Section 4729.01(B) of the Ohio Revised Code. Though Jeffrey Allen Iserman questioned the dosage level, he spoke to the patient's daughter to satisfy himself of the dosing rather than speak to the physician or check any other reference material. Such conduct is in violation of Rules 4729-5-20 of the Ohio Administrative Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (2) through (4) of the Findings of Fact constitute being guilty of unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

- (2) The State Board of Pharmacy concludes that paragraphs (2) through (4) of the Findings of Fact constitutes willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of Chapter 3715. of the Revised Code and rules adopted by the Board.

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby adjudicates the matter of Jeffrey Allen Iserman as follows.

- (A) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of one thousand two hundred fifty dollars (\$1,250.00) on Jeffrey Allen Iserman and payment of the monetary penalty is due and owing within thirty days of the mailing of this Order. The remittance should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.
- (B) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby places Jeffrey Allen Iserman on probation for one year from the effective date of this Order with the following conditions:
 - (1) Jeffrey Allen Iserman must obtain, within ninety days from the effective date of this Order, three hours of approved continuing pharmacy education (0.3 CEUs) on Narrow Therapeutic Index Drugs, which may not also be used for license renewal. If proof of successful completion is not submitted to the Board office before the end of the probation period, Jeffrey Allen Iserman will remain on probation until this condition is achieved.
 - (2) Jeffrey Allen Iserman's license is deemed not in good standing until successful completion of the probationary period.
 - (3) Jeffrey Allen Iserman must not violate the drug laws of Ohio, any other state, or the federal government.
 - (4) Jeffrey Allen Iserman must abide by the rules of the State Board of Pharmacy.
 - (5) Jeffrey Allen Iserman must comply with the terms of this Order.
 - (6) Any violation of probation may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code.

Jeffrey Allen Iserman is hereby advised that the Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-8/Nay-0).
MOTION CARRIED.
SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

Section 119.12 of the Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of Franklin County, Ohio.

Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with both the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this Order and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: SEPTEMBER 16, 2004

CERTIFIED MAIL / Return Receipt
7003 0500 0002 4347 2603

WTW/lf

By: _____
William T. Winsley, M.S., R.Ph., Executive Director

c: Sally Ann Steuk, Assistant Attorney General
Mary Barley-McBride, Attorney for Respondent; Lane, Alton & Horst LLC;
175 South Third Street, Suite 700; Columbus, Ohio, 43215