

**BEFORE THE IOWA BOARD OF PHARMACY**

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Re:	)	CASE NO. 2009-56
Controlled Substances registration of	)	
	)	<b>SETTLEMENT AGREEMENT</b>
<b>MICHAEL BARGER, PA-C</b>	)	<b>AND FINAL ORDER</b>
Registration no. 5100247	)	
Respondent.	)	

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Pursuant to Iowa Code sections 17A.12(5) and 272C.3(4) (2015), and 657 IAC 36.6, the Iowa Board of Pharmacy ("Board") and Michael Barger, PA-C ("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 an Order of Immediate Suspension and Statement of Charges in the above-captioned case on May 14, 2009.
2. On May 29, 2009, the Iowa Board of Physician Assistants issued an Emergency Adjudicative Order that indefinitely suspended Respondent's license to practice as a physician assistant, based on same underlying conduct that led to the suspension of Respondent's controlled substances registration.
3. On May 25, 2010, the Iowa Board of Physician Assistants issued an order reinstating Respondent's license to practice as a physician assistant upon submission of verification of 90 continuous days of sobriety. Once reinstated, Respondent's license to practice as a physician assistant was placed on probation for a period of 5 years, subject to several conditions.
4. On January 18, 2017, Respondent's license to practice as a physician assistant was fully restored without any restrictions.
5. On January 25, 2017, the Board received a controlled substances registration application from Respondent.
6. On April 12, 2017, the Board issued a Preliminary Notice of Intent to Deny Registration/Order to Show Cause because the above-captioned case was still pending and Respondent did not indicate his disciplinary history on the application. On April 20, 2017, Respondent submitted a written request to appeal.
7. Respondent's controlled substances registration has been suspended since May 14, 2009.

8. This Agreement is intended to resolve the pending Statement of Charges in the above-captioned case as well as the Preliminary Notice of Intent to Deny Registration and Order to Show Cause dated April 12, 2017.

9. The Board has jurisdiction over the parties and the subject matter of these proceedings.

10. Respondent admits the allegations in the Statement of Charges and in the Preliminary Notice of Intent to Deny Registration/Order to Show Cause and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Order.

11. 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.

12. Respondent acknowledges that he has the right to be represented by counsel on this matter.

13. 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.

14. 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.

15. 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.

16. This Order shall not be binding as to any new complaints received by the Board.

17. 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.

18. 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.

19. The Board's approval of this Order shall constitute a FINAL ORDER of the Board.

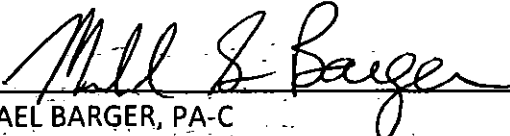
**IT IS THEREFORE ORDERED:**

20. The suspension of Respondent's controlled substances registration, in conjunction with the discipline imposed by the Iowa Board of Physician Assistants, is sufficient discipline to resolve the pending Statement of Charges in case no. 2009-56. Respondent's controlled substances registration is hereby **REINSTATED**, subject to the following:

- a. Respondent is hereby **CITED** for failing to disclose his disciplinary history on his most recent controlled substances registration application and **WARNED** that Respondent's failure to comply with the laws and rules governing controlled substances registrants in the future could result in further discipline.
- b. Respondent is **RESTRICTED** from utilizing his controlled substances registration to prescribe, administer, dispense, or possess any schedule II controlled substances.
- c. Respondent shall not utilize his controlled substances registration to prescribe, administer, dispense, or possess any controlled substances unless and until he has an active DEA registration.
- d. Respondent agrees to cooperate with any attempts by the Board to verify that his controlled substances registration is utilized only to prescribe, administer, dispense, or possess controlled substances listed in schedules III, IV, or V, and that his prescribing of controlled substances is appropriate.
- e. Respondent shall fully disclose all disciplinary history on any future applications to the Board.

21. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 147, 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 30<sup>th</sup> day of May, 2017.

  
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MICHAEL BARGER, PA-C  
Respondent

This Settlement Agreement and Final Order is approved by the Iowa Board of Pharmacy on the  
28 day of June, 2017.



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Chairperson  
Iowa Board of Pharmacy

Copy to:

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