

BEFORE THE IOWA BOARD OF PHARMACY

<p>RE: Controlled Substances Act Registration of</p> <p>PHILLIP MARKHAM, DDS Registration No. 1417713 Respondent</p>	<p>CASE NO. 2020-0078</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 Phillip Markham, DDS, (“Respondent”), 2105 Pine St, Harlan IA 51537, and enter into this Combined Statement of Charges, Settlement Agreement, and Final Order (“Order”) pursuant to Iowa Code sections 17A.10, 124.305, and 272C.3(4) (2019). The Board has jurisdiction over Respondent pursuant to Iowa Code chapters 17A, 124, and 272C, and 657 IAC chapter 10.

A. STATEMENT OF CHARGES

COUNT I

FAILURE TO MAINTAIN REGISTRATION

1. Respondent is charged with failure to maintain registration pursuant to 657—Chapter 10, and may be disciplined pursuant to Iowa Code sections 124.303(1)(b) and 124.304(1)(d), and 657 IAC 10.10(1)"d", 10.10(2)"b" and 10.44(4).

B. FACTUAL CIRCUMSTANCES

2. Respondent holds Iowa Controlled Substances Act (CSA) registration number 1417713, which is currently active through January 31, 2021.

3. From February 2016 to November 2019, Respondent engaged in activities that require an active CSA registration without an active CSA registration.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

4. The Board has jurisdiction over the parties and the subject matter of this proceeding.
5. Respondent acknowledges that 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.
6. 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 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.

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

8. 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.

9. 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.

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 is hereby **CITED** for practicing without an active CSA registration and **WARNED** that future violations of the laws and rules governing CSA registrants can result in further disciplinary action.

14. Respondent shall pay a **CIVIL PENALTY** in the amount of five hundred dollars (\$500) within 30 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. 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.

15. Should Respondent violate the terms of this Order, the Board may initiate action to suspend or revoke Respondent's CSA registration as authorized by Iowa Code chapter 124 and 657 IAC chapter 10.

10/01/2020
Date



DR. PHILLIP MARKHAM, DDS
Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the Iowa Board of Pharmacy on the 18th day of November, 2020.



Chairperson
Iowa Board of Pharmacy