

BEFORE THE IOWA BOARD OF PHARMACY

RE: Nonresident Pharmacy License and CSA Registration of ABSOLUTE PHARMACY License No. 4353 Registration No. 1108263 Respondent	CASE NO. 2020-0112 COMBINED STATEMENT OF CHARGES, SETTLEMENT AGREEMENT, AND FINAL ORDER
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COME NOW the Iowa Board of Pharmacy (“Board”) and Absolute Pharmacy (“Respondent”), 16011 N Nebraska Ave, Ste 103, Lutz FL 33549, 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 IAC 35.5. The Board has jurisdiction over Respondent and the subject matter of this case pursuant to Iowa Code chapters 17A, 124, 155A, and 272C, and 657 IAC chapters 10 and 36.

A. STATEMENT OF CHARGES

**COUNT I
EXPIRED CSA REGISTRATION**

1. Respondent is charged with shipping controlled substances into Iowa without an active CSA registration in violation of 657 IAC 10.6(2), and may be disciplined pursuant to Iowa Code section 124.304(1)(d) and 657 IAC 10.44(4).

**COUNT II
COMPOUNDING ESSENTIALLY COPIES OF APPROVED DRUGS
WITHOUT PROPER DOCUMENTATION**

2. Respondent is charged with compounding essentially copies of approved drugs without the documentation showing the relevant change and significant clinical difference for the individual patient in violation of 657 IAC 20.12, and may be disciplined pursuant to Iowa Code section 155A.13A(5)(d) and 657 IAC 19.11(5) and 36.6(21).

B. FACTUAL CIRCUMSTANCES

3. Respondent’s nonresident pharmacy license number 4353 is currently active through December 31, 2021.

4. Respondent’s CSA registration number 1108263 is currently active through December 31, 2021.

5. From January to September 2020, Respondent shipped controlled substances into Iowa without an active CSA registration after failing to renew its CSA registration originally issued in January 2018.

6. Respondent dispensed compounded products that were essentially copies of approved drugs without the documentation showing the relevant change and significant clinical difference for the individual patient as required by 657 IAC 20.12.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

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

8. 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.

9. 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 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.

10. Respondent acknowledges that it has the right to be represented by counsel on this matter.

11. 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.

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 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.

14. 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.

15. 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.

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

IT IS THEREFORE ORDERED:

17. Respondent is hereby **CITED** for shipping controlled substances into Iowa without an active CSA registration and for compounding essentially copies without the documentation showing the relevant change and significant clinical difference for the individual patient in of violation of 657 IAC 20.12 and **WARNED** that future violations of the laws and rules governing pharmacies may result in further disciplinary action.

18. Within thirty (30) days of this Order, Respondent shall pay a **CIVIL PENALTY** in the amount of fifteen thousand dollars (\$15,000). 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.

19. On a quarterly basis for a period of two (2) years, Respondent agrees to submit a report listing all compounded preparations dispensed to Iowa patients for that quarter, including the prescription number, date, compounded preparation, patient name, and a notation of the change to produce for an individual patient a clinically significant difference to meet a medical need as determined and authorized by the prescriber for any preparations that are essentially copies of approved drugs. Respondent shall promptly provide copies of any prescriptions upon request. Respondent is responsible for ensuring all required quarterly reports are submitted to the Board in a timely manner. The quarterly reports are due by March 5th (reporting on December-February), June 5th (reporting on March-May), September 5th (reporting on June-August), and December 5th (reporting on September-November).The quarterly reports should be emailed to Amanda.Woltz@iowa.gov by the specified deadline unless otherwise directed.

20. Respondent shall abide by all state and federal laws and regulations governing the practice of pharmacy. Respondent shall operate in accordance with its policies and procedures.

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 124, 155A, and 272C and 657 IAC chapters 10 and 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.



Date

ABSOLUTE PHARMACY
Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved
by the Iowa Board of Pharmacy on May 12, 2021.



Chairperson
Iowa Board of Pharmacy