

## BEFORE THE IOWA BOARD OF PHARMACY

RE: Pharmacist License of  <b>NATHAN DUKE</b> License No. 18434 Respondent	CASE NO. 2020-0143  <b>COMBINED STATEMENT OF CHARGES, SETTLEMENT AGREEMENT, AND FINAL ORDER</b>
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**COME NOW** the Iowa Board of Pharmacy ("Board") and Nathan Duke ("Respondent"), 5624 E Little Wells Pass, Cave Creek AZ 85331, 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, 147, 155A, and 272C, and 657 IAC 36.

**A. STATEMENT OF CHARGES****COUNT I****OUT-OF-STATE DISCIPLINE**

1. Respondent is charged with having a license revoked or suspended or having other disciplinary action taken by a licensing authority of this state or of another state, territory, or country for conduct substantially equivalent to any of the grounds for disciplinary action in Iowa, and may be disciplined pursuant to Iowa Code sections 147.55(8) and 155A.12(10) and 657 IAC 36.6(30).

**COUNT II****FAILURE TO REPORT OUT-OF-STATE DISCIPLINE**

2. Respondent is charged with failing to report disciplinary action in another state to the board within 30 days in violation of 657 IAC 2.15(3), and may be disciplined pursuant to Iowa Code sections 147.55(8) and 155A.12(1) and 657 IAC 36.6(11).

**B. FACTUAL CIRCUMSTANCES**

- Respondent's pharmacist license number 18434 is currently active through June 30, 2021.
- On July 6, 2020, the Arizona State Board of Pharmacy approved a Consent Agreement that suspended Respondent's Arizona pharmacist license for six months and then placed it on probation, during which Respondent must comply with a monitoring contract, for being addicted to the use of alcohol or other drugs to such a degree as to render the licensee unfit to practice the profession of pharmacy.
- Respondent failed to report the disciplinary action to the Board.

### C. SETTLEMENT AGREEMENT AND FINAL ORDER

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

7. 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.

8. 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.

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

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

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

#### **IT IS THEREFORE ORDERED:**

16. Respondent agrees to **VOLUNTARILY SURRENDER** his pharmacist license to resolve this matter. This voluntary surrender is considered discipline and, when accepted by the Board, has the same force and effect as an order of revocation pursuant to 657 IAC 36.8.

17. Respondent agrees not to work in a pharmacy in any capacity in Iowa unless his pharmacist license is reinstated. Any request for reinstatement will be governed by 657 IAC 35.36.

18. 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 36.

6/11/2021  
Date



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NATHAN DUKE  
Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the Iowa Board of Pharmacy on July 14, 2021.



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Chairperson  
Iowa Board of Pharmacy