

BEFORE THE IOWA BOARD OF PHARMACY

<p>RE: Pharmacy License of</p> <p>SWANSON DRUG INC. License No. 23 Respondent</p>	<p>CASE NO. 2022-0085</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 Swanson Drug Inc. ("Respondent"), 305 W Walnut St, Ogden IA 507212, 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 Iowa Administrative Code (IAC) 35.5. The Board has the authority to take disciplinary action pursuant to Iowa Code sections 155A.15(2) and 272C.3, and 657 IAC 8.3 and 36.

A. STATEMENT OF CHARGES

COUNT I

1. Respondent is charged under 657 IAC 36.6(21) with violating a rule of the Board, specifically 657 IAC 8.5(5), which states that animals shall not be allowed within a licensed pharmacy unless the pharmacy is exclusively providing services for the treatment of animals or unless the animal is a service animal or service-animal-in-training as defined in Iowa Code section 216C.1A.

COUNT II

2. Respondent is charged under 657 IAC 36.6(9) with willful or repeated violations of a lawful rule or regulation promulgated by the Board.

B. FACTUAL CIRCUMSTANCES

3. Respondent's pharmacy license number 23 is currently active through December 31, 2022.

4. Respondent keeps a pet dog in the licensed pharmacy.

5. Respondent has been advised on multiple occasions that the pet dog cannot be in the licensed pharmacy, but the pet dog continues to be in the licensed pharmacy.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

6. The Board has jurisdiction over Respondent and the subject matter of this proceeding.

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 a hearing before the Board on the charges, but Respondent waives the right to a 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 it 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. This Order only resolves the pending complaint numbers identified above and does not resolve any other pending complaints that may exist.

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 allowing an unauthorized animal to be present in the pharmacy and **WARNED** that future violations of the laws and rules governing pharmacies may result in further disciplinary action.

18. Respondent shall be assessed a **CIVIL PENALTY** in the amount of five thousand dollars (\$5,000), with payment of four thousand dollars (\$4,000) stayed so long as Respondent is compliant with this Order. Respondent shall submit payment in the amount of one thousand dollars (\$1,000) within thirty (30) days. 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. Respondent agrees not to allow the pet dog, or any other unauthorized animal, to be anywhere inside of the building located at 305 W Walnut Street, including the pharmacy department, any offices, and the front end of the store. If a pet dog, or any other unauthorized animal, is observed in the building located at 305 W Walnut Street at any time after the date of this Order, Respondent must submit four thousand dollars (\$4,000) of the stayed civil penalty within thirty (30) days. The Board retains the authority to pursue disciplinary action through the standard disciplinary process against Respondent and other responsible individuals if a pet dog, or any other unauthorized animal, is observed in the building located at 305 W Walnut Street at any time after the date of this Order, in addition to imposing the stayed civil penalty pursuant to this paragraph.

20. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 155A and 272C and 657 IAC 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.

July 25, 2022
Date

Patricia Johnson
SWANSON DRUG INC.
Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the Iowa Board of Pharmacy on _____ August 24, 2022 _____

Kathryn Stone
Chairperson
Iowa Board of Pharmacy