

**BEFORE THE IOWA BOARD OF PHARMACY**

<p>RE: Nonresident Pharmacy License of</p> <p><b>REVIVE RX</b> License No. 5246 Respondent</p>	<p>CASE NO. 2022-0096</p> <p><b>COMBINED STATEMENT OF CHARGES, SETTLEMENT AGREEMENT, AND FINAL ORDER</b></p>
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**COME NOW** the Iowa Board of Pharmacy (“Board”) and Revive Rx (“Respondent”), 3831 Golf Dr, Suite A, Houston TX 77018, 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.13A(5) and 272C.3, and 657 IAC 19.11.

**A. STATEMENT OF CHARGES**

**COUNT I**

1. Respondent is charged under 657 IAC 36.6(22) with operating a pharmacy without a current pharmacy license.

**B. FACTUAL CIRCUMSTANCES**

2. Respondent’s nonresident pharmacy license number 5246 is currently active through December 31, 2022.

3. Respondent’s license expired on December 31, 2020, and was reactivated on March 18, 2022.

4. Respondent dispensed approximately 177 compounded prescriptions in Iowa while its license was expired.

**C. SETTLEMENT AGREEMENT AND FINAL ORDER**

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

6. 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.

7. Respondent asserts the presence of several mitigating factors related to the charges and the settlement agreement. These include the COVID-19 pandemic; the absence of any prior disciplinary action; self-reporting of the lapse to the Board by Respondent; efforts by Respondent to communicate with the Board to resolve the issue; Respondent’s compliance with the Board’s

request to cease dispensing to patients until the license was confirmed to be renewed; and the small number of compounded drugs dispensed to patients, none of which were linked to quality or safety complaints.

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. 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 is hereby **CITED** for operating a pharmacy without a current pharmacy license and **WARNED** that future violations of the laws and rules governing nonresident pharmacies may result in further disciplinary action.

17. Within thirty (30) days, Respondent shall pay a **CIVIL PENALTY** in the amount of five thousand dollars (\$5,000). 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 8<sup>th</sup> St, Ste E, Des Moines IA 50309.

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 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.

8/12/2022  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
REVIVE RX  
Respondent

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

  
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Chairperson  
Iowa Board of Pharmacy