

**BEFORE THE IOWA BOARD OF PHARMACY**

RE: Pharmacy License of  <b>DANIEL PHARMACY</b> License No. 752 Respondent	CASE NO. 2022-0007  <b>NOTICE OF HEARING, STATEMENT OF CHARGES, AND EMERGENCY ADJUDICATIVE ORDER</b>
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**COMES NOW** the Iowa Board of Pharmacy (“Board”) and files this Notice of Hearing, Statement of Charges, and Emergency Adjudicative Order against Daniel Pharmacy (“Respondent”), 1114 Central Ave, Fort Dodge IA 50501, pursuant to Iowa Code sections 17A.12(2), 17A.18(3), 17A.18A, and 272C.3(1)(e), and 657 Iowa Administrative Code (IAC) 35.6, 35.7, and 35.35.

**A. TIME, PLACE, AND NATURE OF HEARING**

Hearing. A disciplinary contested case hearing shall be held on August 23, 2022, before the Board. The hearing shall begin at 1:00 p.m. and will be held in the Board conference room located at the Iowa Board of Pharmacy Office, 400 SW 8<sup>th</sup> St, Ste E, Des Moines, IA 50309. You may choose to attend the hearing in-person at the Board office or may attend electronically through the Zoom platform. Contact the Board office to obtain participation instructions if you wish to attend electronically.

Answer. Within twenty (20) days of the date you are served this Notice of Hearing, Statement of Charges, and Emergency Adjudicative Order you may file an Answer pursuant to 657 IAC 35.16. The Answer should specifically admit, deny, or otherwise answer all allegations contained in sections C and D of this Notice of Hearing, Statement of Charges, and Emergency Adjudicative Order.

Filing of Pleadings. Pleadings shall be filed with the Board either by e-mail, if done in compliance with 657 IAC 35.17(2), to [Amanda.Woltz@iowa.gov](mailto:Amanda.Woltz@iowa.gov), or by mail/delivery to the following address: Iowa Board of Pharmacy, 400 SW 8<sup>th</sup> St, Ste E, Des Moines IA 50309.

Presiding Officer. The Board shall serve as presiding officer at the contested case hearing, but the Board hereby delegates to an Administrative Law Judge from the Department of Inspections and Appeals the authority to make initial rulings on prehearing matters and requests the administrative law judge be present to assist and advise the Board at the contested case hearing.

Hearing Procedures. The procedural rules governing the conduct of the contested case hearing, including prehearing matters, are found at 657 IAC chapter 35. At the hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the

opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at the hearing. The hearing may be open to the public or closed to the public at your discretion, pursuant to Iowa Code section 272C.6(1) and 657 IAC 35.25(10).

Prosecution. The Office of Attorney General of Iowa is responsible for representing the public interest (the State) in this proceeding. Counsel for the State in this matter is Assistant Attorney General Laura Steffensmeier. Ms. Steffensmeier can be reached by phone at (515) 281-6690. Copies of pleadings should be provided to counsel for the State either by email to [Laura.Steffensmeier@ag.iowa.gov](mailto:Laura.Steffensmeier@ag.iowa.gov), or by mail/delivery to the following address:

Laura Steffensmeier  
Assistant Attorney General  
Hoover State Office Building—2<sup>nd</sup> Floor  
1305 E Walnut St  
Des Moines IA 50319

Communications. You may not contact individual Board members in any manner, including by phone, letter, or e-mail, regarding this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and the opportunity to participate, such as at the hearing or in pleadings you file and serve upon all parties in the case.

## **B. LEGAL AUTHORITY AND JURISDICTION**

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 155A, and 272C.

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you pursuant to Iowa Code sections 155A.15(2) and 272C.3, and 657 IAC 8.3 and 36.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 657 IAC 35.27.

## **C. STATEMENT OF CHARGES**

### **COUNT I**

Respondent is charged under 657 IAC 36.6(21) with violating a rule of the Board, specifically 657 IAC 8.5(11), which requires compliance with USP Chapter 800 standards for handling hazardous drugs.

**COUNT II**

Respondent is charged under 657 IAC 36.6(21) with violating a rule of the Board, specifically 657 IAC 20.3, which requires compliance with USP Chapter 795 standards when compounding nonsterile preparations.

**D. FACTUAL CIRCUMSTANCES**

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]

**E. EMERGENCY ADJUDICATIVE ORDER**

**FINDINGS OF FACT**

The Board finds sufficient evidence to support each factual circumstance identified in section D, above.

**CONCLUSIONS OF LAW**

Based on these findings of fact, the Board concludes Respondent has violated the laws cited in Counts I and II, identified in section C, above.

**POLICY REASONS**

Respondent has had ample time to comply with applicable standards for compounding with hazardous drugs, but continues to be non-compliant. Respondent’s continued ability to compound with hazardous drugs in a non-compliant manner poses an immediate danger to the public health, safety, and welfare. Respondent cannot be allowed to continue compounding with hazardous drugs in a non-compliant manner.

**ORDER**

Respondent’s pharmacy license is **RESTRICTED** from compounding with hazardous drugs until such time as it receives written permission from the Board to resume compounding with hazardous drugs. Respondent shall contact the Board when it believes it is ready to resume compounding with hazardous drugs in full compliance with all applicable requirements. The

Board will perform an inspection to determine compliance and will provide written permission to resume compounding with hazardous drugs if and when Respondent is compliant with all applicable requirements.

**F. SETTLEMENT**

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 657 IAC 35.24. To cancel a scheduled hearing, an executed settlement agreement must be received by the Board at least three (3) business days prior to the scheduled hearing. If you are interested in pursuing settlement in this matter, please contact the Assistant Attorney General identified above.

**G. FINDING OF PROBABLE CAUSE**

On June 28, 2022, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing, Statement of Charges, and Emergency Adjudicative Order.

A handwritten signature in cursive script that reads "Kathryn Stone". The signature is written in black ink and is positioned above a horizontal line.

Chairperson  
Iowa Board of Pharmacy

PLEASE NOTE: If you require the assistance of auxiliary aids or services to participate in this matter because of a disability, immediately call 515-281-5944. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942).