

BEFORE THE IOWA BOARD OF PHARMACY

<p>RE: Application for Pharmacist License of</p> <p>SCOTT MOUW Applicant</p>	<p>LICENSE BY CONSENT AGREEMENT</p>
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COME NOW the Iowa Board of Pharmacy (“Board”) and Scott Mouw (“Applicant”), Tea, South Dakota, and enter into this License by Consent Agreement, pursuant to Iowa Code sections 17A.10, 17A.18, and 155A.12.

A. LEGAL GROUNDS

1. Pursuant to Iowa Code section 155A.12(8), the Board may deny a pharmacist license if the applicant violated the pharmacy or drug laws or rules of any other state of the United States while under the other state’s jurisdiction.

B. FACTUAL CIRCUMSTANCES

2. The Board received an application for a pharmacist license from Applicant.

3. On February 1, 2018, Applicant was convicted of Obtaining Possession of a Controlled Substance (Clonazepam) by Theft, Misrepresentation, Forgery or Fraud in the Circuit Court for the County of Minnehaha in South Dakota.

4. In 2018, Applicant’s South Dakota pharmacist license was subsequently placed on probation subject to several terms, including participation in South Dakota’s Health Professionals Assistance Program, as a result of diverting prescription drugs for his own use.

5. Applicant’s South Dakota pharmacist license is currently active and in good standing.

C. LICENSE BY CONSENT

6. Applicant admits the allegations in the Factual Circumstances and acknowledges that the allegations, if proven in a contested case hearing concerning license application denial, would constitute grounds for the adverse action agreed to in this Agreement.

7. Execution of this Agreement constitutes the resolution of a contested case. Applicant has a right to a hearing before the Board on the grounds for license application denial, but Applicant 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 Agreement. Once entered, this Agreement shall have the force and effect of a Board Order entered following a

contested case hearing concerning license application denial.

8. Applicant acknowledges that he has the right to be represented by counsel on this matter.

9. This Agreement is subject to approval by a majority of the full Board. If the Board does not approve this Agreement, 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 Agreement, it shall be the full and final resolution of this matter.

10. This Agreement shall be part of Applicant'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.

11. Applicant understands that this Agreement constitutes adverse action and that the Board is required by federal law to report any adverse action to the National Practitioner Data Bank.

12. This Agreement, 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.

13. The Board's approval of this Agreement shall constitute a **FINAL ORDER** of the Board.

IT IS THEREFORE ORDERED:

14. Applicant must self-report and sign an initial agreement with the Iowa Monitoring Program for Pharmacy Professionals (IMP3). Upon execution of an initial agreement, and completion of all administrative licensing requirements, Applicant shall be issued an Iowa pharmacist license.

15. Upon license issuance, Applicant is hereby **CITED** for violating the pharmacy or drug laws or rules of any other state of the United States while under the other state's jurisdiction and **WARNED** that Applicant's failure to comply with the laws governing the practice of pharmacy in the future could result in further discipline.

16. Applicant shall cooperate with the IMP3. Applicant's failure to comply with the requirements of the IMP3 shall be considered a violation of this Agreement.

17. Applicant must notify any future prospective pharmacy employers in Iowa (at the time of employment interview) of this Agreement and maintain documentation of the notification.

18. Should Applicant violate the terms of this Agreement, the Board may initiate action to impose licensee discipline as authorized by Iowa Code chapters 147, 155A, and 272C and 657 IAC chapter 36.

3/1/2023
Date


SCOTT MOUW
Applicant

This License by Consent Agreement is approved by the Executive Director with authorization from Iowa Board of Pharmacy on _____ February 28, 2023.



Andrew Funk, Pharm.D., Executive Director
Iowa Board of Pharmacy