

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	CASE NO. 2013-4141
Nonresident Pharmacy License of)	
)	NOTICE OF HEARING AND
ADVANCED PHYSICIAN)	STATEMENT OF CHARGES
SOLUTIONS, INC.)	
License No. 4141)	
Respondent.)	

COMES NOW the Iowa Board of Pharmacy (“Board”) and files this Notice of Hearing and Statement of Charges against Advanced Physician Solutions, Inc., d/b/a Advanced Compounding Pharmacy (“Respondent”), 7225 Fulton Avenue, North Hollywood, California 91605, pursuant to Iowa Code sections 17A.12(2) and 17A.18(3). Respondent’s Iowa nonresident pharmacy license number 4141 is currently active and expires on December 31, 2014.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on July 1, 2014, before the Board. The hearing shall be held during the morning session beginning at 9:00 a.m. and shall be located in the Board conference room located at 400 S.W. 8th Street, Des Moines, Iowa.

Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge from the Department of Inspections and Appeals make initial rulings on pre-hearing matters, and be present to assist and advise the Board at the hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 657 Iowa Administrative Code rule 35.19. 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. If you need to request an alternative time or date for the hearing, you must comply with the requirements in 657 Iowa Administrative Code rule 35.16. The hearing may be open to the public or closed to the public at your discretion.

Prosecution. The Office of Attorney General is responsible for representing the public interest (the State) in this proceeding. Copies of pleadings should be provided to counsel for the State at the following address:

Laura Cathelyn
Assistant Attorney General
Iowa Attorney General’s Office
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319

Ms. Cathelyn can also be reached by phone at (515) 281-6690 or by e-mail at laura.cathelyn@iowa.gov.

Communications. You may contact the Board office at (515) 281-5944 with questions regarding this notice and other matters relating to these disciplinary proceedings. 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 with the Board office 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 147, 155A, and 272C (2013).

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 147, 155A, and 272C (2013) and under 657 Iowa Administrative Code chapter 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 Iowa Administrative Code rule 35.21.

C. CHARGES

Count I OUT-OF-STATE DISCIPLINE

Respondent is charged with violating the pharmacy or drug laws or rules of another state while under the jurisdiction of that state, pursuant to Iowa Code section 155A.13A(3) and 657 Iowa Administrative Code rules 19.10 and 36.1(4)(ad).

Count II FAILURE TO REPORT DISCIPLINARY ACTION

Respondent is charged with failing to report disciplinary action in other jurisdictions within thirty days, pursuant to Iowa Code section 155A.13A(3) and 657 Iowa Administrative Code rules 19.10 and 36.1(4)(k).

D. FACTUAL CIRCUMSTANCES

1. Respondent holds Iowa nonresident pharmacy license number 4141, which is currently active and expires on December 31, 2014.
2. Respondent was disciplined by the California Board of Pharmacy in June, 2013, with an effective date of July 8, 2013.

3. Respondent's California license was placed on probation for a period of five years, subject to various conditions.

4. Respondent did not timely report the California discipline to the Board as required.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 657 Iowa Administrative Code rule 36.6. If you are interested in pursuing settlement in this matter, please contact Assistant Attorney General Laura Cathelyn at (515) 281-6690.

F. FINDING OF PROBABLE CAUSE

On this 30th day of April, 2014, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.



EDWARD MAIER, Chairperson
Iowa Board of Pharmacy
400 SW Eight Street, Suite E
Des Moines, Iowa 50309-4688

cc: Laura Cathelyn
Assistant Attorney General
Hoover Building, 2nd Floor
Des Moines, IA 50319

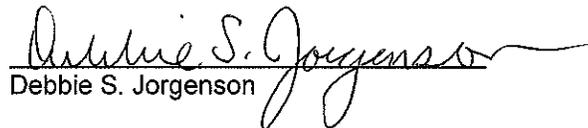
PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon Respondent to the above cause by:

- | | |
|--|---|
| <input type="checkbox"/> personal service | <input type="checkbox"/> first class mail |
| <input checked="" type="checkbox"/> certified mail, return receipt requested | <input type="checkbox"/> facsimile |
| Article Number <u>9171999991703239255110</u> | <input type="checkbox"/> other _____ |

on the 1st day of May, 2014

I declare that the statements above are true to the best of my information, knowledge and belief.


Debbie S. Jorgenson

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	CASE NO. 2013-4141
Nonresident Pharmacy License of)	
)	
ADVANCED PHYSICIAN)	SETTLEMENT AGREEMENT AND
SOLUTIONS, INC.)	FINAL ORDER
License No. 4141)	
Respondent.)	

Pursuant to Iowa Code sections 17A.10 and 272C.3(4) (2013), the Iowa Board of Pharmacy ("Board") and Advanced Physician Solutions, Inc., d/b/a Advanced Compounding Pharmacy ("Respondent") enter into the following Settlement Agreement and Final Order ("Order") to settle a disciplinary proceeding currently pending before the Board.

The allegations contained in a Statement of Charges against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

1. Respondent was issued Iowa nonresident pharmacy license number 4141, which is currently active and expires on December 31, 2014.
2. Respondent's address is 7225 Fulton Avenue, North Hollywood, California 91605.
3. The Board has jurisdiction over the parties and the subject matter of these proceedings.
4. A Notice of Hearing and Statement of Charges was filed against Respondent on April 30, 2014. A contested case hearing in this matter is scheduled for July 1, 2014.
5. Respondent is not actively doing business in Iowa and has no plans to do business in Iowa that would require an Iowa pharmacy license.
6. Respondent acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for discipline.
7. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to a hearing on the charges, but waives its right to hearing and all attendant rights, including the right to appeal, by freely and voluntarily agreeing to this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.
8. Respondent is freely and voluntarily entering into this Order.
9. Respondent acknowledges that it has a right to be represented by counsel on this matter.
10. The State's legal counsel may present this Order to the Board *ex parte*.

11. This Order is subject to approval by a majority of the full Board. If the Board fails to approve this Order, it shall be of no force or effect to either the Board or Respondent. If the Board approves this Order, it shall be the full and final resolution of this matter.
12. This Order shall be part of the permanent record of Respondent 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, 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.
14. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.

IT IS THEREFORE ORDERED:

15. Respondent agrees to **VOLUNTARILY SURRENDER** its Iowa nonresident pharmacy license to resolve this matter.
16. This voluntary surrender, when accepted by the Board, has the same force and effect as an order of revocation under 657 Iowa Administrative Code rule 36.15 for purposes of reinstatement. Respondent may not request reinstatement for at least three years from the date of Board approval of this Settlement Agreement. Reinstatement requests are governed by 657 Iowa Administrative Code rule 36.13.
17. Respondent shall surrender its Iowa nonresident pharmacy license to the Board within ten (10) days of the Board's approval of this Order.
18. Respondent agrees not to perform any activities that would require an Iowa nonresident pharmacy license unless its license is reinstated.
19. Should Respondent violate the terms of this Settlement Agreement, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2013) and 657 Iowa Administrative Code chapter 36.

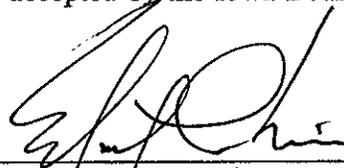
This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 20th day of April, 2014.


ADVANCED PHYSICIAN SOLUTIONS, INC.
Respondent

By this signature, Joseph Kohan acknowledges s/he is the
EFO for Advanced Physician Solutions, Inc., and is authorized

to sign this Settlement Agreement and Final Order on behalf of Advanced Physician Solutions, Inc..

This Settlement Agreement and Final Order is accepted by the Iowa Board of Pharmacy on the 2nd day of July, 2014.



EDWARD MAIER, Chairperson
Iowa Board of Pharmacy
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Laura Cathelyn
Assistant Attorney General
Hoover Building, 2nd Floor
Des Moines, IA 50319
laura.cathelyn@iowa.gov