

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2013-42
Nonresident Pharmacy License of)	
AETNA RX HOME DELIVERY, LLC)	STATEMENT OF CHARGES
License No. 3776,)	& NOTICE OF HEARING
Respondent.)	

COMES NOW the Iowa Board of Pharmacy (Board) and files this Notice of Hearing and Statement of Charges pursuant to Iowa Code sections 17A.12(2) and 17A.18(3). Respondent was issued Iowa nonresident pharmacy license number 3776. Respondent's nonresident pharmacy license was cancelled by Respondent on October 5, 2012.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on August 27, 2013, before the Iowa Board of Pharmacy. The hearing shall be held during the morning hearing 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 prehearing matters, and be present to assist and advise the board at hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 657 Iowa Administrative Code 35.19. At hearing you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally or be represented by counsel at your own expense. The hearing may be open to the public or closed to the public at your discretion.

Prosecution. The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:

Meghan Gavin
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor Hoover State Office Building
Des Moines, Iowa 50319.

Ms. Gavin may also be reached by phone at (515)281-6736 or by e-mail at Meghan.Gavin@iowa.gov.

Communications. You may contact the Board office (515) 281-5944 with questions regarding this notice and other matters relating to these disciplinary proceedings. However, you may NOT contact individual members of the Board to discuss these proceedings by phone, letter, facsimile, email, or in person. Board members can only receive information about the case when all parties have notice and an 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. You may also direct questions relating to settlement of these proceedings to Assistance Attorney General Meghan Gavin at (515) 281-6736 or at Meghan.Gavin@iowa.gov.

B. LEGAL AUTHORITY AND JURISDICTION

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 155A, and 272C (2011).

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 17A, 147, 148C, and 272C (2011) and 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 VIOLATING LAWS OF ANOTHER STATE

Respondent is charged pursuant to Iowa Code § 155A.15(2)(c) (2013), and 657 Iowa Administrative Code §§ 36.1(4)(j) and 36.1(4)(ad), with violating the laws of another state which relate to the practice of pharmacy.

D. FACTUAL CIRCUMSTANCES

1. Respondent was issued nonresident pharmacy license number 3776 in the State of Iowa in 2008. Respondent's nonresident pharmacy license was cancelled by Respondent on October 5, 2012.
2. On February 21, 2013, Respondent self-reported a citation and \$1000 fine imposed by the California Board of Pharmacy on Respondent's California

nonresident pharmacy license for a dispensing error in one of Respondent's pharmacies. That pharmacy, located in Kansas City, MO, is now closed.

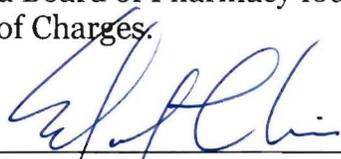
3. On December 13, 2012, the California Board of Pharmacy issued to Respondent a Citation and Fine of \$1,000. Respondent contested that citation and fine. On February 14, 2013, the California Board of Pharmacy issued a final decision after hearing, affirming the citation and fine as previously issued.

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 36.3. If you are interested in pursuing settlement of this matter, please contact Assistant Attorney General Meghan Gavin.

F. PROBABLE CAUSE FINDING

On this 26th day of June, 2013, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.



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

cc: Meghan Gavin
Assistant Attorney General
Hoover State Office Building
Des Moines, Iowa

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 91771999991703104136605 | <input type="checkbox"/> other _____ |

on the 21th day of June, 2013.

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. 2013-42
Nonresident Pharmacy License of)	
AETNA RX HOME DELIVERY, LLC)	SETTLEMENT AGREEMENT AND
License No. 3776,)	FINAL ORDER
Respondent.)	

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2013), the Iowa Board of Pharmacy (Board) and Aetna Rx Home Delivery, LLC (Respondent), enter into this Settlement Agreement and Final order to settle the licensee disciplinary proceeding currently pending before the Board.

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

1. Respondent was issued Nonresident Pharmacy License No. 3776 for the pharmacy located at 11500 NW Ambassador Drive, Kansas City, MO 64153, which was cancelled by Respondent on October 5, 2012 when the pharmacy closed.
2. Respondent was issued a final disciplinary decision by the California Board of Pharmacy on February 20, 2013, for a dispensing error that occurred on May 29, 2012.
3. The Board filed a Statement of Charges and Notice of Hearing on June 26, 2013, alleging the Respondent violated the pharmacy laws of another state.
4. The Board has jurisdiction over the parties and the subject matter of these proceedings.
5. Respondent has chosen not to contest the allegations in the Statement of Charges and Notice of Hearing. The parties agree that these allegations, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Order.

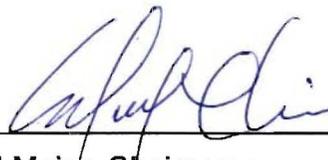
6. Upon the Board's approval of this Settlement Agreement and Final Order, Respondent is hereby CITED and WARNED for violating the pharmacy laws of another state.
7. Respondent agrees to obey all federal and state laws, rules, and regulations related to the operation of a pharmacy.
8. This Settlement Agreement and Final Order is the resolution of a contested case. By entering into this Settlement Agreement and Final Order, Respondent waives all rights to a contested case hearing on the allegations contained in the Statement of Charges and Notice of Hearing, and waives any objections to this Final Order.
9. Respondent acknowledges that it had an opportunity to consult with legal counsel regarding this matter prior to signing this Settlement Agreement and Final Order.
10. The State's legal counsel may present this Settlement Agreement and Final Order *ex parte* to the Board.
11. This Settlement Agreement and Final Order is subject to approval by a majority of the full Board. If the Board fails to approve this settlement, it shall be of no force or effect to either the Board or Respondent. If the Board approves this Settlement Agreement and Final Order, it shall be the full and final resolution of this matter.
12. The Board's approval of this Settlement Agreement and Final Order shall constitute a FINAL ORDER of the Board.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 18 day of July, 2013.


For Respondent

By this signature, Harry J. Travis acknowledges ~~she~~ is the General Manager for Aetna Rx Home Delivery, LLC, and is authorized to sign this Settlement Agreement and Final Order on behalf of Aetna Rx Home Delivery, LLC.

This Settlement Agreement and Final Order is accepted by the Iowa Board of Pharmacy on the 28th day of August, 2013.



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

David Jesse
Counsel
Aetna Rx Home Delivery, LLC