

BEFORE THE IOWA BOARD OF PHARMACY

<p>RE: Controlled Substances Registration of</p> <p><b>DAVID ANDERSON, ARNP</b> Registration No. 5201041 Respondent</p>	<p>CASE NO. 2017-105</p> <p><b>COMBINED ORDER TO SHOW CAUSE, SETTLEMENT AGREEMENT, AND FINAL ORDER</b></p>
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**COME NOW** the Iowa Board of Pharmacy ("Board") and David Anderson ("Respondent"), 321 Center St, Manning Iowa 51455, and enter into this Combined Order to Show Cause, Settlement Agreement, and Final Order ("Order") pursuant to Iowa Code sections 17A.10 and 272C.3(4) (2017), and 657 IAC 36.6. The Board has jurisdiction over Respondent and the subject matter of this case pursuant to Iowa Code chapters 17A, 124, and 272C, and 657 IAC chapters 10 and 36.

**A. FACTUAL CIRCUMSTANCES**

1. On August 8, 2017, Respondent was convicted of Prohibited Acts, a Class C Felony, in Carroll County, Iowa.
2. Respondent's conviction stemmed from his diversion of fentanyl from his place of employment for personal use from December 2016 to March 2017.

**B. LEGAL GROUNDS**

3. Pursuant to Iowa Code section 124.304(1)(c) and 657 IAC 10.12(1)"c", the Board may suspend, revoke, or restrict a controlled substances registration upon a finding that the registrant has been convicted of a public offense under any state or federal law relating to any controlled substance.

**C. ORDER TO SHOW CAUSE**

4. Based on the above Factual Circumstances and Legal Grounds, Respondent is hereby ordered to show cause why his controlled substances registration should not be **REVOKED**. In lieu of proceeding with a show cause hearing, Respondent agrees to resolve this matter by entering into the following Settlement Agreement and Final Order.

**D. SETTLEMENT AGREEMENT AND FINAL ORDER**

5. Respondent admits the Factual Circumstances and acknowledges that the Factual Circumstances, if proven in a contested case hearing, would constitute grounds for the

discipline agreed to in this Order.

6. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to show cause hearing before the Board, but Respondent waives the right to 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.

7. Respondent acknowledges that he has the right to be represented by counsel on this matter.

~~8. 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.~~

9. 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.

10. 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.

11. 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.

12. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.

**IT IS THEREFORE ORDERED:**

13. Respondent agrees to **VOLUNTARILY SURRENDER** his controlled substances registration to resolve this matter. This voluntary surrender is considered discipline and, when accepted by the Board, ~~has the same force and effect as an order of revocation under 657 IAC 36.15.~~

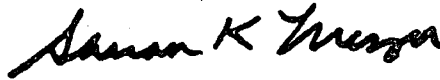
14. Respondent agrees not to prescribe or administer controlled substances in Iowa unless his registration is reinstated. Respondent may request reinstatement of his Iowa controlled substances registration after one (1) year by filing an application for reinstatement under 657 IAC 36.13, provided he possesses the required state and federal licenses/registrations to be eligible for a controlled substances registration. Respondent's registration shall not be reinstated except upon a showing by Respondent that the basis for revocation of his registration no longer exists, and that it is in the public interest for the registration to be reinstated.

This Combined Order to Show Cause, Settlement Agreement, and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 18 day of OCTOBER, 2017.



DAVID ANDERSON, ARNP  
Respondent

This Combined Order to Show Cause, Settlement Agreement, and Final Order is approved by the Iowa Board of Pharmacy on the 1<sup>st</sup> day of November, 2017.



Chairperson  
Iowa Board of Pharmacy