

**BEFORE THE IOWA BOARD OF PHARMACY**

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Re:	)	CASE NO. 2013-131
Certified Pharmacist Technician	)	
Registration of	)	
	)	
<b>NICHOLAS BRAYE,</b>	)	<b>COMBINED STATEMENT OF</b>
Registration No. 19445,	)	<b>CHARGES, SETTLEMENT</b>
Respondent.	)	<b>AGREEMENT, AND FINAL ORDER</b>

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**COMES NOW** the Iowa Board of Pharmacy (“Board”) and Nicholas Braye (“Respondent”), and enter into this Combined Statement of Charges, Settlement Agreement, and Final Order (“Agreement”) pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) (2013).

1. Respondent holds Iowa certified pharmacist technician registration number 19445, which is currently active.
2. The Board has jurisdiction over the parties and the subject matter of these proceedings.

**STATEMENT OF CHARGES**

**Count I**

3. Respondent is charged with engaging in unethical behavior, in violation of 657 Iowa Administrative Code rule 3.28(4), pursuant to Iowa Code section 155A.6A(5) and 657 Iowa Administrative Code rules 3.30(1), 36.1(4)(c), and 36.1(4)(u).

**FACTUAL CIRCUMSTANCES**

4. Respondent holds Iowa certified pharmacist technician registration number 19445, which is currently active.
5. Respondent began working for Medicap Pharmacy in January 2013.
6. On July 12, 2013, Respondent admitted to stealing “least a thousand pills,” including a full bottle of alprozolam.

**SETTLEMENT AGREEMENT AND FINAL ORDER**

7. Execution of this Combined Statement of Charges, Settlement Agreement, and Final Order constitutes the resolution of a contested case. Respondent has a right to hearing before the Board on the charges, but Respondent waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board’s actions, by freely and voluntarily entering into this Agreement. This Agreement shall constitute the final order of the Board in this case and shall have the force and effect of a disciplinary order entered following a

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contested case hearing.

8. Respondent is freely and voluntarily entering into this Agreement. Respondent agrees that the State's counsel may present this Agreement to the Board and may have *ex parte* communications with the Board while presenting it.

9. Respondent agrees to **VOLUNTARILY SURRENDER** his Iowa certified pharmacist technician registration to resolve this matter.

10. Respondent shall surrender his Iowa certified pharmacist technician registration to the Board within ten (10) days of the Board's approval of this Agreement.

11. This voluntary surrender is considered a revocation under 657 Iowa Administrative Code rule 36.15 for purposes of reinstatement. Respondent may not request reinstatement for at least one year from the date of Board approval of this Settlement Agreement. Reinstatement requests are governed by 657 Iowa Administrative Code rule 36.13.

12. Prior to seeking reinstatement, Respondent must be found safe to practice pharmacy by a mental health evaluator, including a substance abuse evaluation which concludes that Respondent is safe to practice as a certified pharmacist technician. Respondent shall cause the records from the evaluation to be provided to the Board in conjunction with any request for reinstatement. The Board shall not schedule a reinstatement hearing until the Board has received the appropriate mental health and substance abuse evaluation records.

13. Respondent agrees not to perform any activities that would require an Iowa certified pharmacist technician registration until such time as his license is reinstated.

14. This Agreement 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.

15. Should Respondent violate the terms of this 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.

16. This Agreement is subject to approval by the Board. If the Board does not approve this Agreement, it shall be of no force or effect on 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.

17. 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.

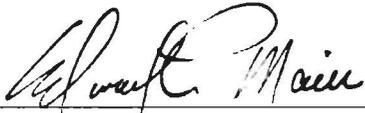
18. This Agreement shall not be binding as to any new complaints received by the Board.

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

This Combined Statement of Charges, Settlement Agreement, and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 20<sup>th</sup> day of January, 2014.

  
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NICHOLAS BRAYE  
Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is accepted by the Iowa Board of Pharmacy on the 5<sup>th</sup> day of February, 2014.

  
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EDWARD MAIER, Chairperson  
Iowa Board of Pharmacy  
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