

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2012-133
Wholesale Drug License of)	
BUTLER SCHEIN ANIMAL)	STATEMENT OF CHARGES
HEALTH SUPPLY)	& NOTICE OF HEARING
License No. 5512,)	
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 5512. Respondent's nonresident pharmacy license is active and will expire on December 31, 2013.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on April 23, 2013, before the Iowa Board of Pharmacy. The hearing shall be held during the afternoon hearing session, beginning at 1:00 p.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:

Theresa O'Connell Weeg
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor Hoover State Office Building
Des Moines, Iowa 50319.

Ms. Weeg may also be reached by phone at (515)281-5328 or by e-mail at Theresa.Weeg@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 Theresa O'Connell Weeg at (515)281-5328 or at Theresa.Weeg@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) (2011), and 657 Iowa Administrative Code §§ 36.1(4)(j) and 36.1(4)(ad), with violating the laws of Maine, which relate to the practice of pharmacy.

D. FACTUAL CIRCUMSTANCES

1. Respondent is a licensed nonresident pharmacy in the State of Iowa. Respondent's nonresident pharmacy license is active and will expire on December 31, 2013.

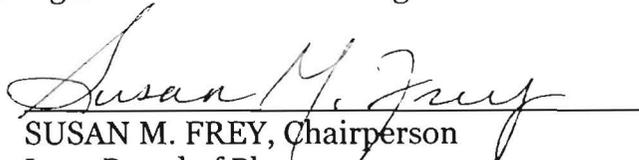
2. At all times relevant to this Statement of Charges, Respondent operated wholesale operations at 5200 Anthony Rd, Ste C, Sandston, Virginia; 4296 Albany St, Albany, New York; 1001 AIP Dr., Middletown, Pennsylvania; 3820 Twin Creeks Dr., Columbus, Ohio; and nonresident pharmacy at 5200 Anthony Rd, Ste C, Sandston, Virginia.
3. In July of 2012, Respondent self-reported disciplinary action against its Maine wholesale drug distributor licenses.
4. On August 2, 2012, the Maine Board of Pharmacy and Respondent entered into a Consent Agreement due to Respondent's failed to disclose on several license applications in Maine that disciplinary action had been taken against it by other state boards of pharmacy.
5. This Consent Agreement provided that as a condition of licensure in Maine, Respondent would accept a reprimand and pay a civil penalty in the amount of \$500 for each license, totaling \$2,500.

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 Theresa Weeg.

F. PROBABLE CAUSE FINDING

On this 13th day of March, 2013, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.


SUSAN M. FREY, Chairperson
Iowa Board of Pharmacy
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Theresa Weeg
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 9171999991703106849787 | <input type="checkbox"/> other _____ |

on the 14th day of March, 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. 2012-133
Wholesale Drug License of)	
BUTLER SCHEIN ANIMAL)	SETTLEMENT AGREEMENT
HEALTH SUPPLY,)	AND
)	FINAL ORDER
License No. 5512,)	
Respondent.)	

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2013), the Iowa Board of Pharmacy and Butler Schein Animal Health Supply, Respondent, have agreed to settle a contested case 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 Nonresident Wholesale Drug Distributor Registration No. 5512. That license is active and will expire on December 31, 2013.
2. At all times relevant to the Statement of Charges, Respondent operated as a drug wholesaler in Columbus, Ohio.
3. The Board has jurisdiction over the parties and the subject matter of these proceedings.
4. A Statement of Charges was filed against Respondent on March 13, 2013. The Statement of Charges contained one charge: Count 1, "Violating Laws of Another State."

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IOWA BOARD OF PHARMACY

5. Respondent denies the allegations in the Statement of Charges and hereby enters into this Settlement Agreement and Final Order to resolve the charges without making any admission against its interests. Respondent acknowledges, however, that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Order.
6. The Statement of Charges concerns activity that occurred outside of Iowa and this order is based solely on discipline in another jurisdiction.
7. Respondent is hereby CITED for having disciplinary action taken against it by another state licensing board, and is hereby WARNED that future violations of the law governing wholesale drug distribution in Iowa could result in further disciplinary action.
8. Respondent agrees to pay a civil penalty in the amount of \$1000. This civil penalty shall be made payable to the Treasurer of Iowa and mailed to the executive director of the Board within twenty (20) days of the Board's approval of this Settlement Agreement and Final Order. All civil penalty payments shall be deposited into the State of Iowa general fund.
9. 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 waives any objections to this Final Order.
10. The State's legal counsel may present this Settlement Agreement and Final Order 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 23 day of August, 2013.



BETTINA SMITH
 NOTARY PUBLIC, STATE OF OHIO
 MY COMMISSION EXPIRES 12-01-2013

Meryl B. Weinsten

For Respondent

By this signature, MERYL B. WEINSTEIN acknowledges s/he is the EXPCA CFO for Butler Schein Animal Health Supply and is authorized to sign this Settlement Agreement and Final Order on behalf of Butler Schein Animal Health Supply.

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

Edward L. Maier

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
Office of the Attorney General
HooverStateOfficeBuilding
Des Moines, Iowa50319

Edward Rickert
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Chicago, IL 60602