

**BEFORE THE IOWA BOARD OF PHARMACY**

Re:	)	Case No. 2006-40
Pharmacy License of	)	
<b>DRUG PLACE.COM, INC.</b>	)	<b>STATEMENT OF CHARGES</b>
License No. 3301	)	
Respondent	)	

**COMES NOW**, the Complainant, Lloyd K. Jessen, and states:

1. He is the Executive Director for the Iowa Board of Pharmacy and files this Statement of Charges solely in his official capacity.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 155A and 272C (2007).
3. Effective January 18, 2006, the Board renewed Respondent's general pharmacy license number 3301, with Joseph A. Smith as the pharmacist in charge, allowing Respondent to engage in the operation of a pharmacy subject to the laws of the State of Iowa and the rules of the Board.
4. General pharmacy license number 3301 was current through December 31, 2007, and has not been renewed.
5. Respondent is currently operating a general pharmacy at 2201 W. Sample Road, Building 9, Suite 31, Pompano Beach, Florida 33073.

**A. CHARGES**

**COUNT I – LACK OF PROFESSIONAL COMPETENCY**

Respondent is charged pursuant to Iowa Code § 155A.15(2)(c) (2007) and 657 Iowa Administrative Code § 36.1(4)(b) with a lack of professional competency as demonstrated by willful and repeated departures from, and a failure to conform to, the minimal standard and acceptable and prevailing practice of pharmacy in the state of Iowa.

**COUNT II – LACK OF PRESCRIPTION VERIFICATION**

Respondent is charged pursuant to Iowa Code §§ 124.308, 155A.15(2) and 155A.27 (2007), and 657 Iowa Administrative Code §§ 21.3 and 36.1(4)(u) with failing to verify the authenticity of an electronically transmitted prescriptions.

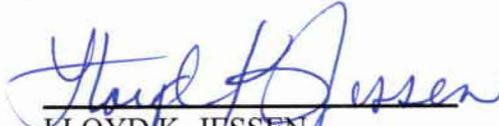
COUNT III – UNETHICAL CONDUCT

Respondent is charged pursuant to Iowa Code § 155A.15(2), and 657 Iowa Administrative Code §§ 21.3 and 36.1(4)(u), with entering into an agreement which negates a patient's freedom of choice of pharmacy services.

**B. CIRCUMSTANCES**

Circumstances supporting the above charges are set forth in Attachment A.

WHEREFORE, the Complainant prays that a hearing be held in this matter and that the Board take such action as it may deem to be appropriate under the law.

  
\_\_\_\_\_  
LLOYD K. JESSEN  
Executive Director

On this 4<sup>th</sup> day of March 2008, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.

  
\_\_\_\_\_  
PAUL ABRAMOWITZ, Chairperson  
Iowa Board of Pharmacy  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck  
Assistant Attorney General  
Hoover State Office Building  
Des Moines, Iowa 50319

**BEFORE THE IOWA BOARD OF PHARMACY**

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Re: )	
Pharmacy License of )	Case No. 2006-40
<b>DRUG PLACE.COM INC.</b> )	
License No. 3301 )	<b>STIPULATION AND</b>
Respondent )	<b>CONSENT ORDER</b>
)	

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Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2009), the Iowa Board of Pharmacy (hereinafter, the “Board”) and Drug Place.Com Inc. (hereinafter, “Respondent”) have agreed to settle a contested case currently on file with the Board. The Statement of Charges, filed March 4, 2008, and all disciplinary proceedings shall be resolved without a hearing, as the Board and Respondent have agreed to the following Stipulation and Consent Order:

1. Respondent’s license to operate a nonresident pharmacy in Iowa is evidenced by Pharmacy License Number 3301, which is recorded in the permanent records of the Board.
2. General Pharmacy License Number 3301 issued to Respondent expired on December 31, 2008, and was renewed by Respondent, on March 18, 2008, and returned to active status.
3. The Board has jurisdiction over the parties and the subject matter herein.
4. A Statement of Charges was filed against Respondent March 4, 2008 alleging, inter alia, a lack of professional competency, violations of laws relating to filling internet prescriptions – including failing to verify the authenticity of an electronically submitted prescription – and entering into an agreement which negates a patient’s freedom of choice of pharmacy services. These violations

arose under Iowa Code chapters 124 and 155A, and 657 Iowa Administrative Code §§ 21.3, 36.1(4)(b), and 36.1(4)(u).

5. Respondent acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline described herein.
6. This Stipulation and Consent Order does not, however, constitute a finding regarding any violation of law, nor an admission of liability by Drug Place.com Inc. It constitutes, instead, a resolution of charges which at this point are in dispute and unproven.
7. Upon the Board's approval of this Stipulation and Consent Order, Respondent shall be assessed a civil penalty in the amount of \$5000. The civil penalty payment shall be made payable to the Treasurer of Iowa and mailed to the executive director of the Board within 10 days after the Board's approval of this Stipulation and Consent Order. All civil penalty payments shall be deposited into the State of Iowa general fund.
8. Should Respondent violate or fail to comply with any of the terms or conditions of this Stipulation and Consent Order, the Board may initiate further action to impose licensee discipline as authorized by Iowa Code chapters 272C and 155A (2009) and 657 Iowa Administrative Code § 36.1.
9. This Stipulation and Consent Order is the resolution of a contested case. By entering into this Stipulation and Consent 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 Stipulation and Consent Order.

10. This proposed settlement 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 party. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.
11. The Board's approval of this Stipulation and Consent Order shall constitute a FINAL ORDER of the Board in a disciplinary action.

This Stipulation and Consent Order is voluntarily submitted by Drug Place.com Inc., to the Iowa Board of Pharmacy for its consideration on this 1<sup>st</sup> day of May, 2009.

*Drug Place.com, Inc. (no longer in business)*  
DRUG PLACE.COM, INC.,  
Respondent  
By [Signature]  
Pharmacist in Charge for Drug Place, INC

Subscribed and sworn to before me by Robert T. Alferman who has stated to me that he/she is the pharmacist in charge of DrugPlace.com, Inc, 2201 W. Sample Road, Building 9, Suite 31, Pompano Beach, Florida and is authorized to sign this Stipulation and Consent Order on behalf of Drug Place.com Inc., on this 1<sup>st</sup> day of May 2009.

Notary Public-State of Florida  
Geri S. Sunday  
Commission # DD830164  
Expires: Oct. 31, 2012

[Signature]  
NOTARY PUBLIC IN AND FOR THE  
STATE OF FLORIDA

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on this 2<sup>nd</sup> day of June 2009.

[Signature]  
VERNON H. BENJAMIN  
Iowa Board of Pharmacy  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

cc: **Scott M. Galenbeck**  
**Assistant Attorney General**  
**Office of the Attorney General**  
**Hoover State Office Building**  
**Des Moines, Iowa 50319**

**Paula Aubin**  
**DrugPlace. Inc.**  
**2201 W. Sample Road, Bldg. 9, Ste. 3A**  
**Pompano Beach, FL 33073**

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