

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2013-147
Controlled Substance Registration of:)	
JUANITA DURHAM, ARNP)	ORDER TO SHOW CAUSE
Registration Number 5201466)	
Respondent)	

**TO: Juanita Durham, ARNP
315 S. 8th St.
Chariton, Iowa 50049**

NOTICE: Pursuant to the provisions of Iowa Code chapter 124.304–305 (2013) and 657 Iowa Administrative Code rule 10.12(5)–(8), you are hereby ordered to appear before the Iowa Board of Pharmacy to show cause why controlled substance registration number 5201466 issued to Juanita Durham, ARNP, should not be suspended or revoked. TO REQUEST A HEARING REGARDING THE SUSPENSION OR REVOCATION OF THIS CONTROLLED SUBSTANCE REGISTRATION, YOU MUST FILE A REQUEST FOR A HEARING BEFORE THE BOARD WITHIN THIRTY (30) DAYS OF ISSUANCE OF THIS ORDER.

I. JURISDICTION

Pursuant to Iowa Code chapter 124 (2013) and 657 Iowa Administrative Code rule § 10.12(5)–(8), the Iowa Board of Pharmacy (Board) has jurisdiction over those who manufacture, distribute, and dispense controlled substances in Iowa. The Board issued Juanita Durham, ARNP (Respondent) controlled substance registration number 5201466 subject to the laws of the State of Iowa and the rules of the Board.

II. BASIS FOR ORDER TO SHOW CAUSE

1. Respondent holds an advanced registered nurse practitioner license in the State of Iowa.
2. Respondent's authority for prescribing, possessing, administering, and dispensing controlled substances pursuant to Iowa Code chapter 124 is dependent on her continued adherence to the laws and rules governing controlled substances.

3. Iowa Code section 124.304(b) and Iowa Administrative Code rule 657—10.12(1)(b) gives the Board authority to suspend or revoke any registration upon finding that the registrant has had the registrant's federal registration to distribute or dispense controlled substances suspended, revoked, or restricted.

4. Iowa Code section 124.304(d) and Iowa Administrative Code rule 657—10.12(1)(d) gives the Board authority to suspend or revoke any registration upon finding that the registrant committed acts that would render her registration under Iowa Code section 124.303 inconsistent with the public interest.

5. Iowa Code section 124.303(1) outlines the factors for the Board to consider when determining the public interest. Amongst those factors is the need to maintain effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels.

6. On July 10, 2013, Respondent entered into a Memorandum of Agreement with the Federal Drug Enforcement Administration. Under the Agreement, her registration was restricted, including requiring Respondent to have all prescriptions for controlled substances schedules II through V approved by Dr. Philip Sundquist for two years.

7. The Iowa Board of Nursing charged Respondent with several ethical violations, including unethical conduct and professional incompetency. The Board of Nursing alleged that Respondent routinely prescribed more narcotics in larger doses than other practitioners in the area, on at least two instances had a personal relationship with patients outside the workplace setting and wrote prescriptions for controlled substance to these individuals without supporting office visits or documentation, and

was advised and counseled by more than one supervising physician to change her controlled substance prescription practices.

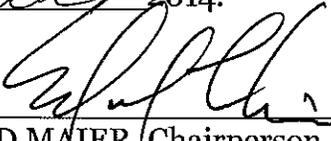
III. ORDER

Respondent is hereby ordered to appear before the Board and show cause why controlled substance registration number 5201466 should not be suspended or revoked.

Respondent may request a hearing before the Board in response to this Order by filing that request within thirty (30) days of the date of this Order. Respondent's request for a hearing should be directed to Lloyd Jessen, Executive Director, Iowa Board of Pharmacy, 400 S.W. Eighth Street, Suite E, Des Moines, Iowa 50309-4688. The Board office telephone number is (515) 281-5944. If Respondent requests a hearing, the hearing will be held at 400 S.W. Eighth Street, Suite E, Des Moines, Iowa, on the date of the next regularly scheduled meeting of the Board.

IF RESPONDENT DOES NOT REQUEST A HEARING IN THIS MATTER WITHIN THIRTY DAYS OF THE DATE OF THIS ORDER, RESPONDENT'S CONTROLLED SUBSTANCES REGISTRATION WILL BE SUSPENDED.

IT IS SO ORDERED THIS 12th day of March 2014.



EDWARD MAIER, Chairperson
Iowa Board of Pharmacy

cc: Meghan Gavin, Assistant Iowa Attorney General
Drug Enforcement Administration, Des Moines, Iowa
Tammy Westhoff Gentry, Attorney for Respondent

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2013-147
Controlled Substance Registration of)	
JUANITA DURHAM, ARNP)	SETTLEMENT AGREEMENT
Registration No. 5201466)	AND
Respondent)	FINAL ORDER

COME NOW the Iowa Board of Pharmacy (“Board”) and Juanita Durham, ARNP (“Respondent”), and enter into this Settlement Agreement and Final Order (“Agreement”) pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) (2015) to settle a licensee disciplinary proceeding currently pending before the Board.

The allegations contained in the Order to Show Cause against the Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

1. Respondent holds Iowa controlled substance registration number 5201466, which is currently active.
2. The Board has jurisdiction over the parties and the subject matter of these proceedings.
3. An Order to Show Cause the Respondent’s Controlled Substance Act registration was issued on August 12, 2014.
4. Respondent has chosen not to contest the charges, but acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Order.
5. Should Respondent violate the terms of this Settlement Agreement and Final Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2013) and Iowa Administrative Code chapter 657—36.
6. Execution of this 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 contested case hearing.
7. Respondent is freely and voluntarily entering into this Agreement. Respondent further 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.

8. 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.

9. 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.

10. 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.

11. This Agreement shall be reported to the National Practitioners Data Bank and the National Association of Boards of Pharmacy's Disciplinary Clearinghouse as applicable.

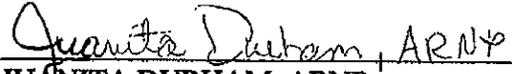
12. This Agreement shall not be binding as to any new complaints received by the Board.

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

IT IS THEREFORE ORDERED:

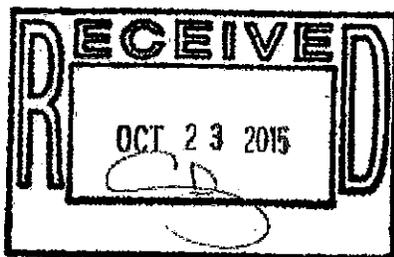
14. Respondent is hereby CITED for having her federal registration to distribute or dispense controlled substances restricted and WARNED that Respondent's failure to comply with the laws governing the distribution and dispensing of controlled substances could result in further discipline.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 20th day of October, 2015.



JUANITA DURHAM, ARNP
Respondent

This Settlement Agreement and Final Order is accepted by the Iowa Board of Pharmacy on the 4th day of November, 2015.





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