

**BEFORE THE IOWA BOARD OF PHARMACY**

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Re:	)	CASE NO. 2013-3983
Nonresident Pharmacy License of	)	
<b>FRANKLIN PHARMACY LLC</b>	)	<b>COMBINED STATEMENT OF</b>
	)	<b>CHARGES, SETTLEMENT</b>
License No. 3983,	)	<b>AGREEMENT, AND FINAL ORDER</b>
Respondent.	)	

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**COMES NOW** the Iowa Board of Pharmacy ("Board") and Franklin Pharmacy LLC ("Respondent"), 361 Mustang Drive, Russellville, AL 35654, 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 nonresident pharmacy license number 3983, which is currently delinquent, having expired on December 31, 2013.
2. The Board has jurisdiction over the parties and the subject matter of these proceedings.

**A. STATEMENT OF CHARGES**

**Count I**

**OUT-OF-STATE DISCIPLINE**

3. Respondent is charged with violating the pharmacy or drug laws or rules of another state while under the jurisdiction of that state, pursuant to Iowa Code section 155A.13A(3) and 657 Iowa Administrative Code rule 36.1(4)(ad).

**Count II**

**FAILURE TO REPORT DISCIPLINARY ACTION**

4. Respondent is charged with failing to report disciplinary action in other jurisdictions within thirty days, pursuant to Iowa Code section 155A.13A(3) and 657 Iowa Administrative Code rule 36.1(4)(k).

**Count III**

**UNTRUE REPRESENTATION**

5. Respondent is charged with knowingly making an untrue representation in the practice of pharmacy, pursuant to Iowa Code section 155A.13A(3) and 657 Iowa Administrative Code rule 36.1(4)(c).

**B. FACTUAL CIRCUMSTANCES**

6. On July 26, 2012, Respondent was disciplined by the Alabama State Board of Pharmacy.
7. Respondent did not report the discipline to the Iowa Board of Pharmacy within thirty days.

8. In August, 2013, Respondent made a sworn statement that it had not distributed any drugs into Iowa for office use.

9. A review of Respondent's prescription fill data indicated that Respondent had in fact shipped several drugs into Iowa for office use.

10. Respondent filed for bankruptcy protection in January, 2014, has ceased all active operations, and is currently winding down.

### C. SETTLEMENT AGREEMENT AND FINAL ORDER

11. 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 contested case hearing.

12. Respondent admits that the allegations, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Combined Statement of Charges, Settlement Agreement, and Final Order.

13. 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.

14. Respondent agrees to **VOLUNTARILY SURRENDER** its Iowa nonresident pharmacy license to resolve this matter.

15. Respondent shall surrender its Iowa nonresident pharmacy license to the Board within ten (10) days of the Board's approval of this Agreement.

16. Respondent agrees not to perform any activities that would require an Iowa nonresident pharmacy license.

17. 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.

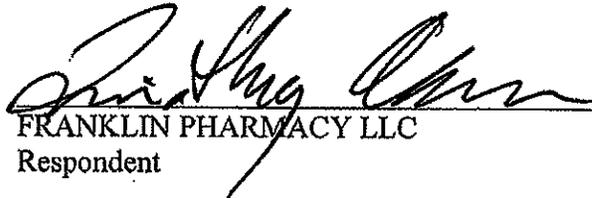
18. This Agreement is subject to approval by the Board. If the Board does not approve this Agreement, it shall be of no force or effect on either party, and shall not be admissible for any purpose in further proceedings in this matter. If the Board approves this Agreement, it shall be the full and final resolution of this matter.

19. 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.

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

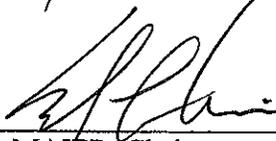
21. The Board's approval of this Agreement shall constitute a **FINAL ORDER** of the Board.

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 May, 2014

  
FRANKLIN PHARMACY LLC  
Respondent

By this signature, Timothy Aaron acknowledges s/he is the Managing Partner for Franklin Pharmacy LLC and is authorized to sign this Combined Statement of Charges, Settlement Agreement, and Final Order on behalf of Franklin Pharmacy LLC.

This Combined Statement of Charges, Settlement Agreement, and Final Order is accepted by the Iowa Board of Pharmacy on the 2<sup>nd</sup> day of July, 2014

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

Copies to:

Laura Cathelyn  
Assistant Attorney General  
Hoover Building, 2<sup>nd</sup> Floor  
Des Moines, IA 50319

R. Scott Williams  
Rumberger, Kirk & Caldwell, P.C.  
Lakeshore Park Plaza  
Suite 125  
2204 Lakeshore Drive  
Birmingham, AL 35209-6739