

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2014-35
Controlled Substance Registration of:)	
DAVID KRONER)	ORDER TO SHOW CAUSE
Registration Number 1417820)	
Respondent)	

**TO: David Kroner, DDS
6701 Douglas Ave.
Urbandale, Iowa 50322**

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 1417820 issued to David Kroner, DDS, 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 David Kroner, DDS (Respondent) controlled substance registration number 1417820 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 a license to practice dentistry 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 his continued adherence to the laws and rules governing controlled substances.

3. 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 his registration under Iowa Code section 124.303 inconsistent with the public interest.

4. Iowa Code section 124.303(1) outlines the factors for the Board to consider when determining the public interest. Amongst those factors is compliance with applicable state or local laws.

5. Dr. Kroner failed to renew his Controlled Substances Act registration at the end of 2002. He did not renew his registration until February 27, 2014 after it had expired on January 1, 2003.

6. Dr. Kroner acknowledges that he continues to practice, including issuing prescriptions for controlled substances, during the eleven years he did not have an active registration.

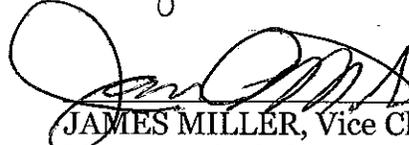
III. ORDER

Respondent is hereby ordered to appear before the Board and show cause why controlled substance registration number 1306092 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 DAYE OF THIS ORDER, RESPONDENT'S
CONTROLLED SUBSTANCES REGISTRATION WILL BE SUSPENDED.

IT IS SO ORDERED THIS 26th day of August 2014.



JAMES MILLER, Vice Chairperson
Iowa Board of Pharmacy

cc: Meghan Gavin, Assistant Iowa Attorney General
Drug Enforcement Administration, 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 checked="" type="checkbox"/> first class mail |
| <input checked="" type="checkbox"/> certified mail, return receipt requested | <input type="checkbox"/> facsimile |
| Article Number <u>9171999991703239255455</u> | <input type="checkbox"/> other _____ |

on the 28th day of August, 2014.

I declare that the statements above are true to the best of my information, knowledge and belief.



BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2014-35
Controlled Substance Registration of)	
DAVID KRONER, DDS)	SETTLEMENT AGREEMENT
Registration No. 1417820)	AND
Respondent)	FINAL ORDER

COME NOW the Iowa Board of Pharmacy ("Board") and David Kroner, DDS ("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 1417820, 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 concerning the Respondent and his alleged failure to renew his Controlled Substance Act registration was issued on August 26, 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. 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.
6. 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 65736.
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.

RECEIVED

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IOWA BOARD OF PHARMACY

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 not be reported to the National Practitioners Data Bank and the National Association of Boards of Pharmacy's Disciplinary Clearinghouse.

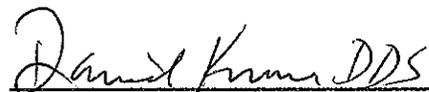
12. This Agreement shall not be binding as to any new complaints received by the Board.

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

IT IS THEREFORE ORDERED:

14. Within thirty (30) days of the Board's approval of this Settlement Agreement and Final Order, Respondent shall pay a civil penalty in the amount of \$1000. The civil penalty shall be sent to the Board's executive director. The civil penalty shall be made payable to the Treasurer of Iowa to be deposited in the State's general fund.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 26 day of AUGUST, 2015.



DAVID KRONER, DDS
Respondent

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



James Miller ~~EDWARD 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
Hoover State Office Building
Des Moines, Iowa 50319

Craig Sieverding
Davis Brown Law Firm
215 10th Street, Suite 1300
Des Moines, Iowa 50309
ATTORNEY FOR THE RESPONDENT