

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case Nos. 2015-44
Nonresident Pharmacy License of)	
LDI INTEGRATED PHARMACY)	STATEMENT OF CHARGES
License No. 3816)	& NOTICE OF HEARING
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) (2013). Respondent was issued Iowa nonresident pharmacy license 3816. Respondent's license is currently active and will expire on December 31, 2015.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on September 1, 2015, before the Iowa Board of Pharmacy. The hearing shall be held during the afternoon 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 rule 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.

Meghan Gavin
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor Hoover State Office Building
Des Moines, Iowa 50319.

Ms. Gavin can also be reached by phone at (515)281-6736 or e-mail at Meghan.Gavin@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 Meghan Gavin at (515)281-6736.

B. LEGAL AUTHORITY AND JURISDICTION

Jurisdiction. The Board has jurisdiction over this matter pursuant to Iowa Code chapters 17A, 147, 155A, and 272C (2015).

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, 155A, and 272C 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

VIOLATION OF THE PHARMACY LAWS OF ANOTHER STATE

Respondent is charged with violating the pharmacy laws of another state in violation of Iowa Code sections 147.55(9) and 155A.13A(3) and 657 Iowa Administrative Code rule 36.1(4)(j), (ad).

Count II

FAILURE TO NOTIFY THE BOARD OF OUT OF STATE DISCIPLINE

Respondent is charged with failing to notify the board within 30 days after a final decision by a licensing authority of another state which resulted in disciplinary sanction in violation of Iowa Code sections 147.55(9) and 155A.13A(3) and 657 Iowa Administrative Code rule 36.1(4)(k).

D. FACTUAL CIRCUMSTANCES

1. Respondent is a nonresident pharmacy with its principle place of business at 701 Emerson Road, Suite 343, Creve Coeur, Missouri 63141.
2. Respondent entered into a Consent Agreement with the Louisiana Board of Pharmacy on May 7, 2014 following an investigation that found the Missouri pharmacy has been shipping prescriptions into Louisiana while its Louisiana nonresident pharmacy license had expired.

3. The Consent Agreement included a Letter of Warning and a \$5000 civil penalty.
4. Respondent did not notify this Board of the discipline until its December 11, 2014 renewal application—approximately seven months later.

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 rule 36.3. If you are interested in pursuing settlement of this matter, please contact Assistant Attorney General Meghan Gavin.

F. PROBABLE CAUSE FINDING

On this the 23rd day of June, 2015, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.



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

cc: Meghan Gavin
Assistant Attorney General
Hoover State Office Building
Des Moines, Iowa

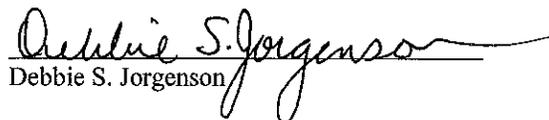
PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon Respondent to the above cause by:

- | | |
|--|---|
| <input checked="" 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 9171999991703106714757 | <input type="checkbox"/> other _____ |

on the 25th day of June, 2015.

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. 2015-44
Pharmacy License of)	
)	SETTLEMENT AGREEMENT
LDI INTEGRATED PHARMACY)	AND FINAL ORDER
SERVICES)	
License No. 3816)	
Respondent.)	

Pursuant to Iowa Code sections 17A.10 and 272C.3(4) (2015), the Iowa Board of Pharmacy ("Board") and LDI Integrated Pharmacy Services ("Respondent") enter into the following Settlement Agreement and Final Order ("Order") to settle a contested case 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's license #3816 is currently active.
2. The Board has jurisdiction over the parties and the subject matter of these proceedings.
3. A Statement of Charges was filed against Respondent on June 23, 2015.
4. Respondent has chosen not to contest the allegation contained in the Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Order.
5. The allegations in this case centered on out-of-state discipline which occurred in 2014. This Order thus constitutes reciprocal discipline based on events already reported to the National Association of Boards of Pharmacy's Disciplinary Clearinghouse and National Practitioner Data Bank.
6. Execution of this 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 Settlement Agreement. Once entered, this Order 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 Order.
8. Respondent acknowledges that it has the right to be represented by counsel on this matter.
9. Respondent agrees that the State's counsel may present this Order to the Board and may have *ex parte* communications with the Board while presenting it.

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IOWA BOARD OF PHARMACY

10. This Order is subject to approval by a majority of the full Board. If the Board fails to approve this Order, it shall be of no force or effect to either the Board or Respondent. If the Board approves this Order, it shall be the full and final resolution of this matter.
11. This Order shall be part of the permanent record of Respondent 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.
12. Respondent acknowledges and understands that this Order will be reported to the National Practitioners Data Bank and National Association of Boards of Pharmacy's Disciplinary Clearinghouse, as applicable.
13. This Order, 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.
14. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.

IT IS THEREFORE ORDERED:

15. Respondent is hereby **CITED** for violating the pharmacy laws of another state and failing to timely notify the Board of the violation and **WARNED** that Respondent's failure to comply with the laws governing the practice of pharmacy in the future could result in further discipline.
16. Respondent agrees to pay a civil penalty in the amount of one-thousand dollars (\$1000.00). This civil penalty shall be made payable to the Treasurer of Iowa and paid within thirty (30) 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.
17. The civil penalty though payable to the general fund shall be submitted to the Board by mailed—Iowa Board of Pharmacy, Attn: Debbie Jorgenson, 400 SW Eighth Street, Suite E, Des Moines, IA 50309.
18. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A and 657 Iowa Administrative Code chapter 36.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the ~~1st~~ day of 5, 2015.



LDI Integrated Pharmacy Services
Respondent

By his signature Leonard S. Dino, Jr. acknowledges he is authorized to this Settlement Agreement and Final Order on behalf of LDI Integrated Pharmacy Services.

This Settlement Agreement and Final Order is accepted by the Iowa Board of Pharmacy on the 31st day of August, 2015.



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

cc: Meghan Gavin
Assistant Attorney General
Hoover Building, 2nd Floor
Des Moines, IA 50319

Connie Diekema
FINLEY, ALT, SMITH, SCHARNBERG,
CRAIG, HILMES & GAFFNEY, P.C.
699 Walnut Street, Ste. 1900
Des Moines, IA 50309
ATTORNEY FOR THE RESPONDENT