

BEFORE THE IOWA BOARD OF PHARMACY

Re:)
Pharmacy License of)
LIBERTY HEALTHCARE)
PHARMACY OF NEVADA, LLC,)
License No. 3704,)
Respondent.)
)

Case No. 2010-33

STATEMENT OF CHARGES

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 (2009).
3. On December 20, 2010, the Board renewed general pharmacy license number 3704 for Liberty Healthcare Pharmacy of Nevada, LLC (hereinafter, "Respondent"), with Richard Shobe 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 3704 is current and active through December 31, 2011.
5. Respondent is currently operating a general pharmacy at 6225 Annie Oakley Drive, Suite 100, Las Vegas, NV 89120.

A. CHARGES

COUNT I – VIOLATING LAWS OF ANOTHER STATE

Respondent is charged pursuant to Iowa Code § 155A.15(2)(c) (2009), and 657 Iowa Administrative Code §§ 36.1(4)(j) and 36.1(4)(ad), with violating the laws of California, which laws relate to the practice of pharmacy.

COUNT II – FAILURE TO REPORT DISCIPLINE

Respondent is charged pursuant to Iowa Code § 155A.15(2)(c) (2009) and 657 Iowa Administrative Code § 36.1(4)(k), with failing to notify the Board within 30 days of receipt of a disciplinary sanction in another state.

B. CIRCUMSTANCES

An investigation commenced on March 31, 2010 which revealed the following:

1. At all times material to this statement of charges, Respondent operated a general pharmacy located at 6225 Annie Oakley Drive, Suite 100, Las Vegas, NV 89120.
2. The California Board of Pharmacy issued a Citation and Fine to Respondent on March 8, 2008.
3. On March 22, 2010, Respondent self-reported the State of California discipline.
4. The discipline occurred because Respondent, although not licensed in California, dispensed medication to a California resident during 2007.

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 8 day of March 2011, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.


VERNON H. BENJAMIN, 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

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2010-33
Nonresident Pharmacy License of)	
LIBERTY HEATHCARE)	STIPULATION
PHARMACY OF NEVADA, L.L.C.,)	AND CONSENT
License No. 3704)	ORDER
Respondent)	

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011), The Iowa Board of Pharmacy (hereinafter, the "Board") and Liberty Healthcare Pharmacy of Nevada, L.L.C. (hereinafter, "Respondent"), have agreed to settle a contested case currently on file with the Board. The Statement of Charges filed against Respondent on March 8, 2011, and the licensee disciplinary proceeding related to the charges 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 was renewed on November 21, 2011, as evidenced by Nonresident Pharmacy License Number 3704, recorded in the permanent records of the Board.
2. Nonresident Pharmacy License Number 3704 issued to and held by Respondent is current and in force until December 31, 2012.
3. The Board has jurisdiction over the parties and the subject matter herein.
4. A Statement of Charges was filed against Respondent March 8, 2011.
5. Respondent has chosen not to contest the allegations set forth in the Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline described

herein.

6. Respondent is hereby **CITED** for having disciplinary action taken against its pharmacy license in another state, and hereby **WARNED** that further violations of the laws governing the practice of pharmacy in Iowa shall result in further disciplinary action.

7. Upon the Board's approval of this Stipulation and Consent Order, Respondent shall be assessed a civil penalty in the amount of \$1500. The civil penalty payment shall be made by check, payable to the Treasurer of Iowa and mailed to the executive director of the Board within 10 days after Respondent's receipt of notice of the Board's approval of this Stipulation and Consent Order. All civil penalty payments shall be deposited into the State of Iowa general fund. Upon the Board's receipt of the civil penalty, this disciplinary proceeding shall be concluded without further order of the Board.

8. Respondent agrees to obey all federal and state laws, rules, and regulations substantially related to the operation of pharmacy.

9. Should Respondent violate or fail to comply with any of the terms or conditions of this Stipulation and Consent Order, the Board may initiate action to revoke or suspend Respondent's Iowa license to operate a nonresident pharmacy or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2011), and 657 Iowa Administrative Code § 36.1.

10. This Stipulation and Consent Order is the resolution of a contested case. By entering into this stipulation, 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.

11. This Stipulation and Consent Order is a proposed settlement subject to approval by a majority of the full Board. If the Board fails to approve this Stipulation and Consent Order, 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.

12. 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 Liberty Healthcare Pharmacy of Nevada, L.L.C., to the Iowa Board of Pharmacy for its consideration on this 28th day of August 2012.

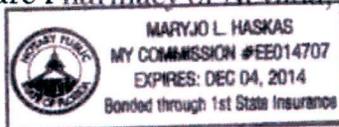


LIBERTY HEALTHCARE PHARMACY
OF NEVADA, L.L.C.

Respondent

By Frank A. Harvey, President

Subscribed and sworn to before me by FRANK A. HARVEY, who has stated to me that he is the President of Liberty Healthcare Pharmacy of Nevada, L.L.C., and is authorized to sign this Stipulation and Consent Order on behalf of Liberty Healthcare Pharmacy of Nevada, L.L.C., on this 28th day of August 2012.



NOTARY PUBLIC IN AND FOR THE
STATE OF FLORIDA

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on this 29th day of August 2012.



SUSAN M. FREY, Chairperson

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

cc: Theresa Weeg
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319