

**BEFORE THE IOWA BOARD OF PHARMACY**

Re: )  
Non-Resident Pharmacy License of )  
**MEDCO HEALTH SOLUTIONS OF** )  
**LAS VEGAS, L.L.C.,** )  
License No. 3158, )  
Respondent. )

Case No. 2011-67

**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 (2011).
3. On November 21, 2011, the Board renewed non-resident pharmacy license number 3158 for Medco Health Solutions of Las Vegas, L.L.C. (hereinafter, "Respondent"), with Katharine Feduska 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. Non-resident pharmacy license number 3158 is current and active through December 31, 2012.
5. Respondent is currently operating a general pharmacy at 6225 Annie Oakley Drive, Las Vegas, Nevada 89120.

**A. CHARGES**

**COUNT I – VIOLATING LAWS OF ANOTHER STATE**

Respondent is charged pursuant to Iowa Code § 155A.15(2)(c) (2011), and 657 Iowa Administrative Code §§ 36.1(4)(j) and 36.1(4)(ad), with violating the laws of Maine, 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) (2011) 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

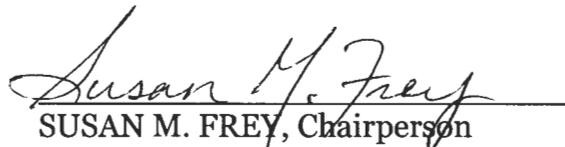
An investigation commenced on June 16, 2011 which revealed the following:

1. At all times material to this statement of charges, Respondent operated a general pharmacy at 6225 Annie Oakley Drive, as Vegas, Nevada 89120.
2. Respondent and the Maine Board of Pharmacy entered into a stipulated disciplinary order on February 3, 2011.
3. On June 14, 2011, Respondent self-reported the State of Maine discipline.
4. The discipline occurred because Respondent failed to report to Maine out-of-state discipline, failed to report to Maine a change of its pharmacist in charge, and filled prescriptions for Maine residents for over eight months while Respondent was unlicensed. Respondent was fined \$16,104 – with all but \$5000 of the fine suspended pending successful completion of a probationary period.

**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 7<sup>th</sup> day of March 2012, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.

  
SUSAN M. FREY, 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. 2011-67
Nonresident Pharmacy License of	)	
<b>MEDCO HEALTH SOLUTIONS</b>	)	<b>STIPULATION</b>
<b>OF LAS VEGAS, L.L.C.,</b>	)	<b>AND CONSENT</b>
License No. 3158	)	<b>ORDER</b>
Respondent	)	

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011), The Iowa Board of Pharmacy (hereinafter, the "Board") and Medco Health Solutions of Las Vegas, 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 7, 2012, 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 3158, recorded in the permanent records of the Board.
2. Nonresident Pharmacy License Number 3158 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 7, 2012. The Statement of Charges alleges Respondent violated the pharmacy laws of the State of Maine, and failed to timely report the violation to the Board.
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 Medco Health Solutions of Las Vegas, L.L.C., to the Iowa Board of Pharmacy for its consideration on this 28<sup>th</sup> day of August 2012.

Celeste Player

MEDCO HEALTH SOLUTIONS OF  
LAS VEGAS, L.L.C.

Respondent

By Celeste Player, Vice President  
Pharmacy Services

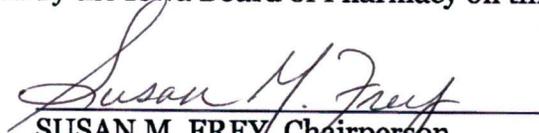
Subscribed and sworn to before me by Celeste Player, who has stated to me that she is the pharmacist responsible for Medco Health Solutions of Las Vegas, L.L.C., and is authorized to sign this Stipulation and Consent Order on behalf of Medco Health Solutions of Las Vegas, L.L.C., on this 28<sup>th</sup> day of August 2012.



Angela Y. Oatis

NOTARY PUBLIC IN AND FOR THE  
STATE OF MISSOURI

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on this  
29<sup>th</sup> 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

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