

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2012-83
Wholesale Licenses of)	
MEDISCA)	STATEMENT OF CHARGES
License Nos. 5566, 6725, & 7070)	& 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). Respondent was issued Iowa wholesale licenses 5566, 6725, & 7070. Respondent's licenses are currently active.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on January 15, 2013, 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 in this matter pursuant to Iowa Code chapters 17A, 147, 155A, and 272C (2011).

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, 148C, and 272C (2011) 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 LAW

Respondent is charged with violation of a statute or law of the United States which relates to the distribution of controlled substances in violation of Iowa Code section 155A.12(1) and 657 Iowa Administrative Code rule 36.1(4)(j).

Count II—VIOLATION OF PHARMACY RULES OF ANOTHER STATE

Respondent is charged with violating the pharmacy or drug laws or rules of another state while under the jurisdiction of that state in violation of Iowa Code section 155A.12(1) and 657 Iowa Administrative Code rule 36.1(4)(aa).

D. FACTUAL CIRCUMSTANCES

1. At all times material to this statement of charges, Respondent operated wholesale operations at 661 Route 3, Unit C, Plattsburgh, NY (5566), 3995 W. Mesa Vista Ave., Unit A-10, Las Vegas, Nevada (6725), and 830 Esters Blvd., Suite 940, Irving, Texas (7070).

2. On October 14, 2011 Medisca, Inc. pled guilty in the United States District Court for the Northern District of New York to misbranding drugs in violation of 21 U.S.C. sections 331(a) and 352(a). On March 14, 2012, Medisca was fined \$10,000.

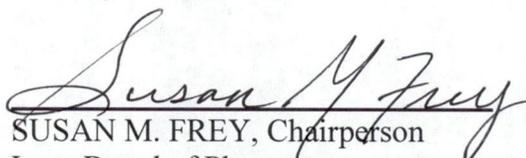
3. On March 27, 2012, the Colorado Board of Pharmacy issued a Stipulation and Final Agency Order placing Respondent's wholesale licenses on probation for three years.

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 9th day of Nov., 2012, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.


SUSAN M. FREY, 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

BEFORE THE IOWA BOARD OF PHARMACY

IN THE MATTER OF:)	Case No. 2012-83
Pharmacy License of)	
MEDISCA,)	STIPULATION
Pharmacy Nos. 5566, 6725, & 7070)	AND
Respondent)	CONSENT ORDER

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011), the Iowa Board of Pharmacy and Medisca (hereinafter, "Respondent"), enter into the following Stipulation and Consent Order settling a licensee disciplinary proceeding currently pending before the Board.

Allegations contained in Statements of Charges against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

1. At all times material to this statement of charges, Respondent operated wholesale operations at 661 Route 3, Unit C, Plattsburgh, NY (5566), 3955 W. Mesa Vista Ave., Unit A-10, Las Vegas, Nevada (6725), and 8300 Esters Blvd., Suite 940, Irving, Texas (7070).
2. On October 14, 2011 Medisca, Inc. pled guilty in the United States District Court for the Northern District of New York to misbranding drugs in violation of 21 U.S.C. sections 331(a) and 352(a). On March 14, 2012, Medisca was fined \$10,000.
3. On March 27, 2012, the Colorado Board of Pharmacy issued a Stipulation and Final Agency Order placing Respondent's wholesale licenses on probation for three years.
4. A Statement of Charges was filed against Respondent by the Board on

November 9, 2012.

5. The Board has jurisdiction over the parties and jurisdiction over the subject matter of these proceedings.

6. Respondent has chosen not to contest the allegations set forth in the Statements of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline described herein.

7. On the date of the Board's approval of this Stipulation and Consent Order, Respondent's licenses shall be placed on **PROBATION** for a period of three years. Credit toward satisfying the period of probation shall be given **ONLY** during such periods of time that Respondent is in total compliance with **ALL** provisions of this Stipulation and Consent Order.

8. The Respondent's probation shall be subject to the following terms:

a. The Respondent will not distribute somatotropin of any kind or any drug containing somatotropin into the State of Iowa during the period of probation.

b. A duly authorized representative of the Respondent shall submit signed and notarized affidavits each quarter on 3/1, 6/1, 9/1, and 12/1, attesting to the fact that Respondent did not distribute somatotropin of any kind or any drug containing somatotropin into the State of Iowa.

c. Respondent shall obey all federal and state laws, rules, and regulations related to the practice of pharmacy.

9. Should Respondent violate or fail to comply with any of the terms and conditions of this Stipulation and Consent Order, the Board may initiate action to revoke

or suspend Respondent's Iowa pharmacy licenses or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2011) and Iowa Administrative Code 657 chapter 36.

10. This Stipulation and Consent Order is the resolution of a contested case. By entering into this Stipulation and Consent Order, 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. The State's legal counsel may present this Stipulation and Consent Order to the Board *ex parte*.

12. This Stipulation and Consent Order is subject to approval by a majority of the full Board. If the Board fails to approve this settlement, it shall be of no force or effect to either the Board or Respondent. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.

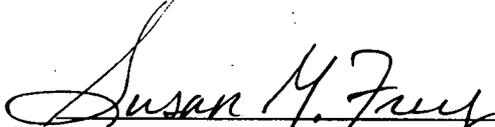
13. The Board's approval of this Stipulation and Consent Order shall constitute a FINAL ORDER of the Board.

This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 15 day of January 2013.



MEDISCA, Authorized Representative
Respondent

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on the 16th day of January 2013.



SUSAN M. FREY, 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