

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	
Nonresident Pharmacy License of)	CASE NO. 2014-39
)	
PRECISION PHARMACY)	NOTICE OF HEARING AND
License No. 3709)	STATEMENT OF CHARGES
Respondent.)	

COMES NOW the Iowa Board of Pharmacy (“Board”) and files this Notice of Hearing and Statement of Charges against Precision Pharmacy (“Respondent”), 5301 Young Street, Bakersfield, California 93311, pursuant to Iowa Code sections 17A.12(2) and 17A.18(3). Respondent’s Iowa nonresident pharmacy license number 3709 is currently active and expires on December 31, 2014.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on August 26, 2014, before the Board. The hearing shall be held during the morning session beginning at 9:00 a.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 pre-hearing matters, and be present to assist and advise the Board at the hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 657 Iowa Administrative Code rule 35.19. At the hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at the hearing. If you need to request an alternative time or date for the hearing, you must comply with the requirements in 657 Iowa Administrative Code rule 35.16. The hearing may be open to the public or closed to the public at your discretion.

Prosecution. The Office of Attorney General is responsible for representing the public interest (the State) in this proceeding. Copies of pleadings should be provided to counsel for the State at the following address:

Laura Cathelyn
Assistant Attorney General
Iowa Attorney General’s Office
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319

Ms. Cathelyn can also be reached by phone at (515) 281-6690 or by e-mail at laura.cathelyn@iowa.gov.

Communications. You may contact the Board office at (515) 281-5944 with questions regarding this notice and other matters relating to these disciplinary proceedings. You may not contact individual Board members in any manner, including by phone, letter, or e-mail, regarding this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and the 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.

B. LEGAL AUTHORITY AND JURISDICTION

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 155A, and 272C (2013).

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 147, 155A, and 272C (2013) and under 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 OUT-OF-STATE DISCIPLINE

Respondent is charged with violating the pharmacy or drug laws or rules of another state while under the jurisdiction of that state, pursuant to Iowa Code section 155A.13A(3) and 657 Iowa Administrative Code rules 19.10 and 36.1(4)(ad).

D. FACTUAL CIRCUMSTANCES

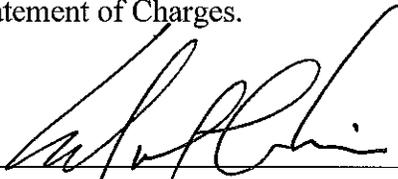
1. Respondent holds Iowa nonresident pharmacy license number 3709, which is currently active and expires on December 31, 2014.
2. Respondent was disciplined by the California Board of Pharmacy effective February 11, 2014.
3. Respondent's California license was revoked, with the revocation stayed, and the license placed on probation for a period of three years, subject to various conditions.
4. As a result, Respondent received reciprocal discipline from the Oregon Board of Pharmacy and the Colorado State Board of Pharmacy in May, 2014.

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 36.6. If you are interested in pursuing settlement in this matter, please contact Assistant Attorney General Laura Cathelyn at (515) 281-6690.

F. FINDING OF PROBABLE CAUSE

On this 2nd day of July, 2014, 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 Eight Street, Suite E
Des Moines, Iowa 50309-4688

cc: Laura Cathelyn
Assistant Attorney General
Hoover Building, 2nd Floor
Des Moines, IA 50319

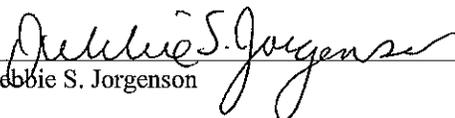
PROOF OF SERVICE

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

- | | |
|--|---|
| <input type="checkbox"/> personal service | <input type="checkbox"/> first class mail |
| <input checked="" type="checkbox"/> certified mail, return receipt requested | <input type="checkbox"/> facsimile |
| Article Number <u>9171999991703239255271</u> | <input type="checkbox"/> other _____ |

on the 3rd day of July, 2014.

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:)	
Nonresident Pharmacy License of)	CASE NO. 2014-39
)	
PRECISION PHARMACY)	SETTLEMENT AGREEMENT
License No. 3709,)	AND FINAL ORDER
Respondent.)	

Pursuant to Iowa Code sections 17A.10 and 272C.3(4) (2013), the Iowa Board of Pharmacy ("Board") and Precision Pharmacy ("Respondent") enter into the following Settlement Agreement to settle a disciplinary proceeding currently 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. The Board has jurisdiction over the parties and the subject matter of these proceedings.
2. A Statement of Charges was filed against Respondent on July 2, 2014.
3. Respondent admits the allegations in the Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for discipline.
4. Upon the Board's approval of this Settlement Agreement and Final Order, Respondent's license is hereby placed on **PROBATION** for the entirety of Respondent's probationary period in California, which is expected to last until approximately February 11, 2017. Respondent shall comply with all terms of the California Stipulation Settlement and Disciplinary Order.
5. Respondent authorizes the release of all information and records related to the California probationary period in possession of the California Board of Pharmacy or its agent to the Iowa Board of Pharmacy upon request, in order to verify compliance to this Settlement Agreement.
6. Any submissions or reports that Respondent is required to submit to the California Board of Pharmacy under the California Stipulation Settlement and Disciplinary Order shall simultaneously be submitted to the Iowa Board of Pharmacy.
7. This Settlement Agreement is intended to mirror the California Stipulation Settlement and Disciplinary Order. If any conditions or restrictions are added or removed by the California Board of Pharmacy, those changes will be incorporated into this Settlement Agreement. If Respondent is granted early release from California probation, Respondent's Iowa nonresident pharmacy license shall also be released from probation.

Any changes to the California probationary conditions or terms shall be promptly reported to the Iowa Board of Pharmacy.

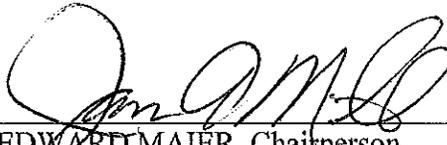
8. Respondent shall report any violations of its California probation to the Iowa Board of Pharmacy immediately.
9. Should Respondent violate or fail to comply with any of the terms and conditions of this Agreement, the Board may initiate action to revoke or suspend Respondent's Iowa nonresident pharmacy license or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2013) and 657 Iowa Administrative Code chapter 36.
10. This Settlement Agreement is the resolution of a contested case. By entering into this Settlement Agreement, Respondent waives all rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to this Final Order.
11. Respondent is freely and voluntarily entering into this Settlement Agreement.
12. Respondent acknowledges that it has a right to be represented by counsel on this matter.
13. The State's legal counsel may present this Settlement Agreement to the Board *ex parte*.
14. This Settlement Agreement is subject to approval by a majority of the full Board. If the Board fails to approve this Settlement Agreement, it shall be of no force or effect to either the Board or Respondent. If the Board approves this Settlement Agreement, it shall be the full and final resolution of this matter.
15. This Settlement 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.
16. The Board's approval of this Settlement Agreement shall constitute a FINAL ORDER of the Board.
- 17.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 17 day of July, 2014.


PRECISION PHARMACY
Respondent

By this signature, Samira Wasson acknowledges s/he is the Pharmacist in Charge for Precision Pharmacy and is authorized to sign this Settlement Agreement and Final Order on behalf of Precision Pharmacy.

This Settlement Agreement and Final Order is accepted by the Iowa Board of Pharmacy on the 26th day of August, 2014.



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

cc: Laura Cathelyn
Assistant Attorney General
Hoover Building, 2nd Floor
Des Moines, IA 50319
laura.cathelyn@iowa.gov

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ATTORNEY FOR RESPONDENT