

BEFORE THE IOWA BOARD OF PHARMACY

Re:)
Nonresident Pharmacy License of) Case No. 2010-80
PRIME THERAPEUTICS L.L.C.,)
License No. 3595,) **STATEMENT OF CHARGES**
Respondent.)

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 December 10, 2010 the Board renewed wholesale pharmacy license number 3595 for Prime Therapeutics, L.L.C. (hereinafter, "Respondent"), allowing Respondent to engage in the operation of a wholesale pharmacy subject to the laws of the State of Iowa and the rules of the Board.
4. Nonresident pharmacy license number 3595 is current and active through December 31, 2011.
5. At all times material to this Statement of Charges, Respondent was operating a nonresident pharmacy at 2901 Kinwest Parkway, Suites 250 and 350, Irving, Texas 75063.

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 Illinois and Connecticut, 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 July 27, 2010 which revealed the following:

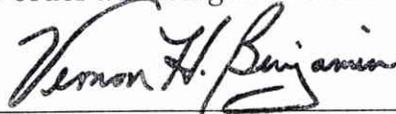
1. At all times material to this Statement of Charges, Respondent operated a pharmacy at 2901 Kinwest Parkway, Suites 250 and 350, Irving, Texas 75063.
2. On July 14, 2010 Respondent self-reported discipline in Illinois. The Illinois discipline, which was ordered on July 2, 2010, consisted of a reprimand for failing to report discipline in Texas.
3. On July 21, 2010 Respondent self-reported discipline in Connecticut. The Connecticut discipline, which was ordered May 27, 2010, consisted of a fine for failing to report discipline which occurred in Hawaii during 2008.
4. Similarly, Respondent failed to report the 2008 Hawaii discipline to Iowa.

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 27th day of April 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. 2010-80
Nonresident Pharmacy License of)	
PRIME THERAPEUTICS L.L.C.,)	STIPULATION
License No. 3595)	AND CONSENT
Respondent)	ORDER

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011), The Iowa Board of Pharmacy (hereinafter, the “Board”) and Prime Therapeutics 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 April 27, 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 December 10, 2010, as evidenced by Nonresident Pharmacy License Number 3595, recorded in the permanent records of the Board.
2. Nonresident Pharmacy License Number 3595 issued to and held by Respondent is current and in force until December 31, 2011.
3. The Board has jurisdiction over the parties and the subject matter herein.
4. A Statement of Charges was filed against Respondent April 27, 2011. The Statement of Charges alleges Respondent violated the pharmacy laws of Connecticut and Illinois, and failed to timely report the violations to the Board. Respondent states that it did agree to accept discipline (i) in Connecticut based on allegations that Respondent inadvertently failed to notify the Connecticut

Insurance Department of a 2008 settlement agreement entered by Respondent with the Hawaii Board of Pharmacy, and (ii) in Illinois based on allegations that Respondent entered into an Agreed Board Order, dated August 12, 2009 with the Texas State Board of Pharmacy. The conduct giving rise to those allegations did not involve any resident of the state of Iowa.

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. Upon the Board's approval of this Stipulation and Consent Order, Respondent shall be assessed a civil penalty in the amount of \$2000. 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.

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

8. 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

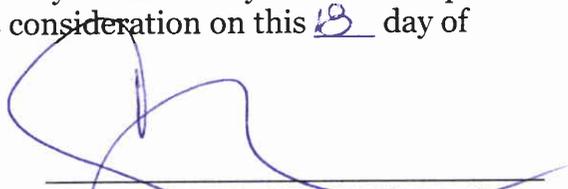
or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2011), and 657 Iowa Administrative Code § 36.1.

9. 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.

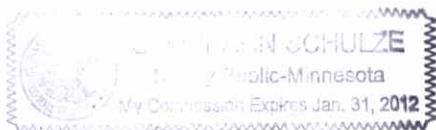
10. This Stipulation and Consent Order is a proposed settlement subject to approval by a majority of the full Board. If the Board fails to approve this Stipulation and Consent Order, it shall be of no force or effect to either party. If the Board approves this Stipulation and Consent Order, it shall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

11. 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 Prime Therapeutics L.L.C., to the Iowa Board of Pharmacy for its consideration on this 18 day of October 2011.


PRIME THERAPEUTICS L.L.C.,
Respondent
By Sara Ratner, COO

Subscribed and sworn to before me by Sara Ratner, who has stated to me that she is the Chief Compliance Officer of Prime Therapeutics L.L.C., and is authorized to sign this Stipulation and Consent Order on behalf of Prime Therapeutics L.L.C., on this 18 day of October 2011.



Christopher J. Schulze

NOTARY PUBLIC IN AND FOR THE
STATE OF MINNESOTA

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on this
17th day of November 2011.


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

cc: Scott M. Galenbeck
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

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BEFORE THE IOWA BOARD OF PHARMACY

Re:)
Nonresident Pharmacy License of)
PRIME THERAPEUTICS L.L.C.,)
License Nos. 3595 and 3735)
Respondent)

Case No. 2011-159

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 December 15, 2011, the Board renewed nonresident pharmacy license number 3595 and on February 10, 2012, renewed nonresident pharmacy license number 3735 for Prime Therapeutics, L.L.C. (hereinafter, "Respondent"), allowing Respondent to engage in the operation of a nonresident pharmacy subject to the laws of the State of Iowa and the rules of the Board.
4. Nonresident pharmacy license numbers 3595 and 3735 are current and active through December 31, 2012.
5. At all times material to this Statement of Charges, Respondent was operating nonresident pharmacies at 2901 Kinwest Parkway, Suites 250 and 350, Irving, Texas 75063 and 4580 Paradise Boulevard, Albuquerque, New Mexico 87114.

A. CHARGE

COUNT I – VIOLATING LAWS OF ANOTHER STATE

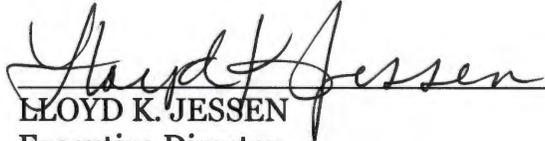
Respondent is charged pursuant to Iowa Code § 155A.15(2)(c) (2011), and 657 Iowa Administrative Code §§ 36.1(4)(j) and 36.1(4)(ad), with violating the laws of Maine, which laws relate to the practice of pharmacy.

B. CIRCUMSTANCES

An investigation commenced on October 28, 2011 which revealed the following:

1. At all times material to this Statement of Charges, Respondent operated pharmacies at 2901 Kinwest Parkway, Suites 250 and 350, Irving, Texas 75063 and 4580 Paradise Boulevard, Albuquerque, New Mexico 87114.
2. On October 14, 2011 Respondent self-reported discipline in Maine. The disciplinary charges arose from Respondent continuing to ship medications into the State of Maine after allowing its Maine mail-order pharmacy license to lapse ("unlicensed practice").
3. The Maine discipline, which was memorialized in a Consent Agreement, was ordered September 29, 2011 by the Maine Board of Pharmacy, and consisted of probationary licensure, a reprimand and a \$3500 fine.

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 27th day of June 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: Theresa Weeg
Assistant Attorney General
Hoover State Office Building
Des Moines, Iowa

BEFORE THE IOWA BOARD OF PHARMACY

Re:) Case No. 2011-159
Nonresident Pharmacy License of)
PRIME THERAPEUTICS LLC,) STIPULATION
License No. 3735) AND CONSENT
Respondent) ORDER

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011), the Iowa Board of Pharmacy (hereinafter, the "Board") and Prime Therapeutics LLC (hereinafter, "Respondent"), have agreed to settle a contested case currently on file with the Board. The Statement of Charges filed against Respondent on June 27, 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 nonresident pharmacy license 3735 was renewed on February 10, 2012 and is current and in force until December 31, 2012.
2. The Board agrees disciplinary action is not warranted against Nonresident Pharmacy License Number 3595.
3. The Board has jurisdiction over the parties and the subject matter herein.
4. A Statement of Charges was filed against Respondent June 27, 2012. The Statement of Charges alleges Respondent violated the pharmacy laws of Maine.
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, based solely on disciplinary action taken against it in another state.
6. 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.

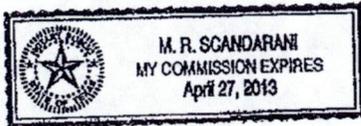
7. Respondent agrees to obey all federal and state laws, rules, and regulations substantially related to the operation of pharmacy.
8. Should Respondent violate or fail to comply with any of the terms or conditions of this Stipulation and Consent Order, the Board may initiate action to revoke or suspend 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.
9. 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.
10. 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.

11. 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 Prime Therapeutics LLC, to the Iowa Board of Pharmacy for its consideration on this 8 day of November 2012.

Laura Watkins
PRIME THERAPEUTICS LLC,
Respondent
By Laura Watkins, RPH & Pharmacist-in-charge

Subscribed and sworn to before me by M.R. Scandarani, who has stated to me that she is the pharmacist in charge of Prime Therapeutics LLC, and is authorized to sign this Stipulation and Consent Order on behalf of Prime Therapeutics LLC, on this 8th day of November 2012.



M.R. Scandarani
NOTARY PUBLIC IN AND FOR THE
STATE OF Texas

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on this 9 day of November 2012.

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

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

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