

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	
Nonresident Pharmacy License of)	Case No. 2010-161
RX CROSSROADS,)	
License No. 3376,)	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 7, 2010, the Board renewed nonresident pharmacy license number 3376 for RX Crossroads (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. Non-resident pharmacy license number 3376 is current and active through December 31, 2011.
5. Respondent is currently operating a general pharmacy at 4500 Progress Boulevard, Louisville, Kentucky 40218.

A. CHARGES

COUNT I – VIOLATING LAWS OF ANOTHER STATE

Respondent is charged pursuant to Iowa Code §§ 155A.13A(3) and 155A.15(2)(c) (2011), and 657 Iowa Administrative Code §§ 36.1(4)(j) and 36.1(4)(ad), with violating the laws of Oregon and Hawaii which relate to the practice of pharmacy.

COUNT II – FAILURE TO REPORT DISCIPLINE

Respondent is charged pursuant to Iowa Code §§ 155A.13A(3) and 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 December 28, 2010 which revealed the following:

1. At all times material to this statement of charges, Respondent operated a general pharmacy located at 4500 Progress Boulevard, Louisville, Kentucky 40218.
2. Respondent is licensed in the states of Iowa, Oregon and Hawaii.
3. On June 26, 2009 Respondent entered into a Consent Agreement with Oregon for failing to properly label prescriptions shipped to Oregon residents.
4. The Oregon consent order required Respondent to pay a \$5,000 fine, \$4,500 of which was stayed. Respondent did not report the Oregon discipline to the Board.
5. On November 18, 2010 Respondent entered into a Settlement Agreement with Hawaii for failing to timely notify Hawaii of the Oregon discipline. The Hawaii Settlement Agreement required Respondent to pay a \$1,000 fine,
6. Respondent timely self-reported the Hawaii discipline to the Board on December 16, 2010.

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 13th day of Sept. 2011, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.


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
Hoover State Office Building
Des Moines, Iowa

OCT 26 2011

BEFORE THE IOWA BOARD OF PHARMACY IOWA BOARD OF PHARMACY

Re:)	Case No. 2010-161
Nonresident Pharmacy License of)	
RxCROSSROADS,)	STIPULATION
License No. 3376,)	AND CONSENT
Respondent)	ORDER

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011), The Iowa Board of Pharmacy (hereinafter, the “Board”) and RxCrossroads (hereinafter, “Respondent”), have agreed to settle a contested case currently on file with the Board. The Statement of Charges filed against Respondent on September 13, 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 7, 2010, as evidenced by Nonresident Pharmacy License Number 3376, recorded in the permanent records of the Board.
2. Nonresident Pharmacy License Number 3376 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 September 13, 2011. The Statement of Charges alleges Respondent violated the pharmacy laws of the States of Oregon and Hawaii, and failed to timely report the Oregon 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

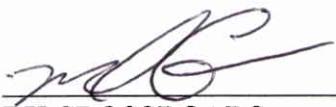
contested case proceeding, would constitute grounds for the discipline described herein.

6. 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 a 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 RX Crossroads to the Iowa Board of Pharmacy for its consideration on this 5th day of October 2011.



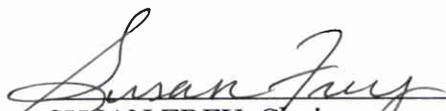
RX CROSSROADS
Respondent
By Michael G. Carr

Subscribed and sworn to before me by Michael G. Carr, who has stated to me that he is the pharmacist in charge of RX Crossroads, and is authorized to sign this Stipulation and Consent Order on behalf of RX Crossroads on this 5th day of October 2011.



NOTARY PUBLIC IN AND FOR THE
STATE OF KENTUCKY

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on this 11th 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

RX Crossroads-settle 9-11.doc