

**BEFORE THE IOWA BOARD OF PHARMACY**

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Re:	)	CASE NO. 2013-181
Nonresident Pharmacy License of	)	
	)	<b>COMBINED STATEMENT OF</b>
<b>TROY PHARMACY</b>	)	<b>CHARGES, SETTLEMENT</b>
	)	<b>AGREEMENT, AND FINAL ORDER</b>
License No. 3803,	)	
Respondent.	)	

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**COMES NOW** the Iowa Board of Pharmacy (“Board”) and Troy Pharmacy (“Respondent”), 1612 Lowrie Street, Pittsburgh, PA 15212, and enter into this Combined Statement of Charges, Settlement Agreement, and Final Order (“Agreement”) pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) (2013).

1. Respondent holds Iowa nonresident pharmacy license number 3803, which is currently active and expires on December 31, 2014.
2. The Board has jurisdiction over the parties and the subject matter of these proceedings.

**A. STATEMENT OF CHARGES**

**Count I**

**PROVIDING PHARMACY SERVICES WITHOUT A LICENSE**

3. Respondent is charged with providing pharmacy services to Iowa residents without an active Iowa pharmacy license, in violation of 657 Iowa Administrative Code rule 19.2, pursuant to Iowa Code section 155A.13A(3) and 657 Iowa Administrative Code rule 36.1(4)(v).

**B. FACTUAL CIRCUMSTANCES**

4. Respondent held a nonresident pharmacy license, which it did not renew as of January 1, 2013.
5. Respondent’s nonresident pharmacy license was renewed on October 21, 2013.
6. Respondent dispensed prescription drugs into Iowa in 2013 until it learned that it had failed to renew its nonresident license, when it voluntarily ceased filling prescriptions for residents of Iowa.

**C. SETTLEMENT AGREEMENT AND FINAL ORDER**

7. Execution of this Combined Statement of Charges, Settlement Agreement, and Final Order constitutes the resolution of a contested case. Respondent has a right to hearing before the Board on the charges, but Respondent waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board’s actions, by freely and voluntarily entering into this Agreement. This Agreement shall constitute the final order of the

Board in this case and shall have the force and effect of a disciplinary order entered following a contested case hearing.

8. Respondent admits that the allegations, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Combined Statement of Charges, Settlement Agreement, and Final Order.

9. Respondent is freely and voluntarily entering into this Agreement. Respondent agrees that the State's counsel may present this Agreement to the Board and may have *ex parte* communications with the Board while presenting it.

10. Respondent agrees to **VOLUNTARILY SURRENDER** its Iowa nonresident pharmacy license to resolve this matter.

11. Respondent shall surrender its Iowa nonresident pharmacy license to the Board within ten (10) days of the Board's approval of this Agreement.

12. This voluntary surrender is considered a revocation under 657 Iowa Administrative Code rule 36.15 for purposes of reinstatement. Respondent may not request reinstatement for at least three years from the date of Board approval of this Settlement Agreement. Reinstatement requests are governed by 657 Iowa Administrative Code rule 36.13.

13. Respondent agrees not to perform any activities that would require an Iowa nonresident pharmacy license.

14. Should Respondent violate the terms of this Agreement, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2013) and 657 Iowa Administrative Code chapter 36.

15. This Agreement is subject to approval by the Board. If the Board does not approve this Agreement, it shall be of no force or effect on either party, and shall not be admissible for any purpose in further proceedings in this matter. If the Board approves this Agreement, it shall be the full and final resolution of this matter.

16. This 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.

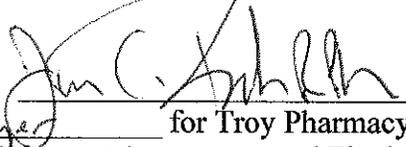
17. This Agreement shall not be binding as to any new complaints received by the Board.

18. The Board's approval of this Agreement shall constitute a **FINAL ORDER** of the Board.

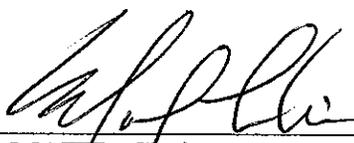
This Combined Statement of Charges, Settlement Agreement, and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the \_\_\_ day of \_\_\_\_\_, 20\_\_.



TROY PHARMACY  
Respondent's Counsel, David R. Dearden

By this signature,  acknowledges s/he is the  
General Manager for Troy Pharmacy and is authorized to sign this Combined  
Statement of Charges, Settlement Agreement, and Final Order on behalf of Troy Pharmacy.

This Combined Statement of Charges, Settlement Agreement, and Final Order is accepted by the  
Iowa Board of Pharmacy on the 30<sup>th</sup> day of April, 2014.



EDWARD MAIER, Chairperson  
Iowa Board of Pharmacy  
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Des Moines, Iowa 50309-4688

Copies to:

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