

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	
Wholesale Drug License of)	Case No. 2010-162
UPS SUPPLY CHAIN)	
SOLUTIONS, INC.,)	STATEMENT OF CHARGES
License No. 5820,)	
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 November 19, 2010, the Board renewed wholesale drug license number 5820 for UPS Supply Chain Solutions, Inc., (hereinafter, "Respondent"), allowing Respondent to engage in the operation of a wholesale drug business subject to the laws of the State of Iowa and the rules of the Board.
4. Wholesale drug license number 5820 is current and active through December 31, 2011.
5. Respondent is currently operating a wholesale drug business at 1645 Satellite Boulevard, Duluth, Georgia 30097.

A. CHARGES

COUNT I – VIOLATING LAWS OF ANOTHER STATE

Respondent is charged pursuant to Iowa Code §§ 155A.17(3) and 155A.15(2)(c) (2011), and 657 Iowa Administrative Code §§ 17.17, 17.18, 36.1(4)(j) and 36.1(4)(ad), with violating the laws of Colorado which relate to the practice of pharmacy.

COUNT II – FAILURE TO REPORT DISCIPLINE

Respondent is charged pursuant to Iowa Code §§ 155A.17(3) and 155A.15(2)(c) (2011), and 657 Iowa Administrative Code §§ 17.17, 17.18, 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 6, 2010 which revealed the following:

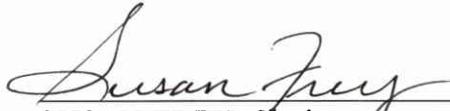
1. At all times material to this statement of charges, Respondent operated a wholesale drug business at 1645 Satellite Boulevard, Duluth, Georgia 30097.
2. Respondent is licensed in both the State of Iowa and the State of Colorado.
3. On October 18, 2010 the Colorado Board of Pharmacy adopted a Stipulation and Final Agency Order providing for discipline for Respondent's failure to timely make application and pay the fee for a change of designated representative.
4. The Colorado stipulation required Respondent to pay a \$5,500 fine.
5. Respondent self-reported the Colorado discipline to the Board on December 6, 2010, but the report was not made within 30 days of the Colorado discipline.

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

BEFORE THE IOWA BOARD OF PHARMACY

Re:) Case No. 2010-162
Wholesale Drug License of)
UPS SUPPLY CHAIN) **STIPULATION**
SOLUTIONS, L.L.C.,) **AND CONSENT**
License No. 5820) **ORDER**
Respondent)

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011), The Iowa Board of Pharmacy (hereinafter, the “Board”) and UPS Supply Chain Solutions, 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 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 wholesale drug business was renewed November 19, 2010, as evidenced by Wholesale Drug License Number 5820, recorded in the permanent records of the Board.
2. Wholesale Drug License Number 5820 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 on September 13, 2011. The Statement of Charges alleges Respondent violated the pharmacy laws of the State of Colorado and failed to timely report the violation to the Board.
5. The records of the investigation indicate that Respondent has successfully

RECEIVED
OCT 28 2011
IOWA BOARD OF PHARMACY

completed the terms of the Colorado Stipulation and Final Agency Order.

6. 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.

7. Upon the Board's approval of this Stipulation and Consent Order, Respondent shall be assessed a civil penalty in the amount of \$1000. 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.

8. The Board does not mandate any further corrective action.

9. Respondent agrees to obey all federal and state laws, rules, and regulations substantially related to the operation of a wholesale drug business.

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

11. 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.

12. 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.

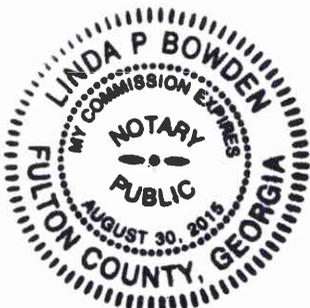
13. The Board's approval of this Stipulation and Consent Order shall constitute a FINAL ORDER of the Board in a disciplinary action.

This Stipulation and Consent Order is voluntarily submitted by UPS Supply Chain Solutions, L.L.C., to the Iowa Board of Pharmacy for its consideration on this 21st day of October 2011.



UPS SUPPLY CHAIN SOLUTIONS,
L.L.C.,
Respondent
By DANIEL SILVERNALE, Vice
President, Finance and Healthcare
Compliance

Subscribed and sworn to before me by Daniel Silvernale, who has stated to me that he is the VP, Finance & Healthcare Compliance of UPS Supply Chain Solutions, L.L.C., and is authorized to sign this Stipulation and Consent Order on behalf of UPS Supply Chain Solutions, L.L.C., on this 21st day of October 2011.



Linda P. Bowden

NOTARY PUBLIC IN AND FOR THE
STATE OF GEORGIA

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

UPS Supply-settle 9-11.doc