BEFORE THE IOWA BOARD OF PHARMACY

Re:	)	CASE NO. 2014-181
Nonresident Pharmacy License of	)	
	)	**COMBINED STATEMENT OF**
WICKLIFFE VETERINARY	)	**CHARGES, SETTLEMENT**
PHARMACY	)	**AGREEMENT, AND FINAL ORDER**
License No. 3876	)	
Respondent.	)	

COME NOW the Iowa Board of Pharmacy ("Board") and Wickliffe Veterinary Pharmacy ("Respondent"), 4340 Georgetown Road, Lexington, KY 40511, and enter into this Combined Statement of Charges, Settlement Agreement, and Final Order ("Order") pursuant to Iowa Code sections 17A.10 and 272C.3(4) (2015), and 657 IAC 36.6, stating the following:

A. STATEMENT OF 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 IAC 19.10 and 36.1(4)"ad".

B. FACTUAL CIRCUMSTANCES

1. On October 23, 2015, the Kentucky Board of Pharmacy approved an order placing Respondent's pharmacy license on probation for a minimum period of three years and imposing a fine of $100,000. The discipline was a result of compounding deficiencies uncovered at the pharmacy.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

1. The Board has jurisdiction over the parties and the subject matter of these proceedings.

2. Respondent admits the allegations in the Statement of Charges and acknowledges that the allegations, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Order.

3. Execution of this 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 action, by freely and voluntarily entering into this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.

4. Respondent acknowledges that it has the right to be represented by counsel on this

matter.

5. Respondent agrees that the State's counsel may present this Order to the Board and may have *ex parte* communications with the Board while presenting it.

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

7. This Order shall be part of Respondent's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

8. This Order shall not be binding as to any new complaints received by the Board.

9. Respondent understands the Board is required by federal law to report any adverse action to the National Association of Boards of Pharmacy's Disciplinary Clearinghouse and the National Practitioner Data Bank.

10. This Order, 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.

11. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.

IT IS THEREFORE ORDERED:

12. Respondent's nonresident pharmacy license is hereby placed on **PROBATION** for the entirety of Respondent's probationary period in Kentucky. Respondent shall comply with all terms of the Kentucky Order. Respondent shall report any violations of the Kentucky Order to the Board immediately. Respondent's nonresident pharmacy license shall be released from probation when the Board receives verification that the Kentucky Board of Pharmacy has released Respondent's pharmacy license from probation.

13. Respondent shall pay a **CIVIL PENALTY** in the amount of one thousand dollars ($1,000) within thirty (30) days of Board approval of this Order. The check shall be made payable to the "Treasurer of Iowa" and shall be deposited in the general fund. The civil penalty should be mailed to the Iowa Board of Pharmacy, Attn: Debbie Jorgenson, 400 SW Eighth Street, Suite E, Des Moines, IA 50309.

14. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 147, 155A, and 272C and 657 IAC 36.

This Combined Statement of Charges, Settlement Agreement, and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 11th day of February, 2016.

WICKLIFFE VETERINARY PHARMACY
Respondent

By this signature, Jacqueline Bernard acknowledges s/he is the President/owner for Wickliffe Veterinary Pharmacy and is authorized to sign this Settlement Agreement and Final Order on behalf of Wickliffe Veterinary Pharmacy.

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the Iowa Board of Pharmacy on the 8th day of March, 2016.

Chairperson
Iowa Board of Pharmacy

Copy to:

Laura Steffensmeier
Assistant Attorney General
Licensing & Administrative Law Division
Iowa Department of Justice
Hoover Building, 2nd Floor
Des Moines, IA 50319