

State of Iowa
Board of Pharmacy

400 S.W. Eighth Street, Suite E, Des Moines, IA 50309-4688

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BOARD MEMBERS

LADONNA GRATIAS
EDWARD McKENNA
JAMES MILLER

EDWARD L. MAIER

Board Chair

THERESE WITKOWSKI

Interim Director

BOARD MEMBERS

JASON HANSEL
SHARON MEYER
JUDITH TRUMPY

MINUTES

April 28-29, 2015

The Iowa Board of Pharmacy met on April 28-29, 2015, in the conference room at 400 SW Eighth Street, Des Moines, Iowa.

TUESDAY, APRIL 28, 2015

MEMBERS PRESENT

Edward L. Maier, Chairperson
James Miller, Vice-Chair
Susan M. Frey
LaDonna Gratias
Edward J. McKenna

MEMBERS ABSENT

Sharon K. Meyer
Judith M. Trumpy

SPEAKERS

Anthony Pudlo, IPA
Emily Dykstra, IPRN
Megan Myers, IPA
Joe Bitterman – South Coast Specialty
Compounding

STAFF PRESENT

Therese Witkowski, Interim Director/Executive
Officer
Meghan Gavin, Esq., Assistant Attorney General
Laura Steffensmeier, Esq., Assistant Attorney
General
Debbie Jorgenson, Administrative Assistant
Becky Hall, Secretary
Andrew Funk, Compliance Officer
Curt Gerhold, Compliance Officer
Mark Mather, Compliance Officer
Sue Mears, Compliance Officer
Jean Rhodes, Compliance Officer
Jennifer Tiffany, Compliance Officer
Jennifer O'Toole, Compliance Officer
Jim Wolfe, Compliance Officer

At 9:00 a.m., Edward Maier, Chairperson, called the meeting of the Iowa Board of Pharmacy to order on Tuesday, April 28, 2015.

Election of Officers

Motion by Susan Frey, seconded by LaDonna Gratiyas, to postpone the election of officers up to six months to allow for the transition of the board staff and to ensure continuity with leadership. Motion approved unanimously.

Approval of Minutes

The minutes of the March 9-11, 2015, meeting; and the March 31, 2015, teleconference meeting were reviewed.

Motion by James Miller, seconded by LaDonna Gratiyas, to approve the open session minutes of the March 9-11, 2015, meeting as presented. Motion approved unanimously.

Motion by Susan Frey, seconded by LaDonna Gratiyas, to approve the open session minutes of the March 31, 2015, teleconference meeting as presented. Motion approved unanimously.

Reports

1. Interim Executive Director's Report.

A. Financials as of 03/31/15:

Total Revenues:	\$ 3,021,297 (78.8% of anticipated revenues)
Carry-over from prior FY:	\$ 1,504,637
FY15 Fee Receipts only:	\$ 1,516,660
Fines/Civil Penalties collected:	\$ 43,250
<u>Total Obligations:</u>	\$ 2,522,043 (includes \$ 396,710 planned carry-over)
Operating Obligations:	\$ 2,359,425 (61.5% of budgeted)
PMP Fund Obligations:	\$ 76,500 (75% of budgeted)
IPRN Fund Obligations:	\$ 86,118 (75% of budgeted)

- B. The Information Technology Specialist position is awaiting DAS-HRE audit and recommendation of position classification; approval to hire.
- C. Prescription Monitoring Program Interconnect – Optimum Technology and DAS-ITE are working on security and connectivity configurations, settings, and issues.
- D. OCIO and Iowa Interactive are offering no-cost website redesign, using Drupal content management tool to conform to State standards. Iowa Interactive is designing a Board of Pharmacy logo for display on the Board's website.
- E. Approximately 3,000 pharmacist license renewal applications were mailed mid-April and are being processed. Applications were revised so continuing education records are not submitted with the application; random audits will be conducted following the renewal period.
- F. A sterile compounding training is available in Minneapolis, Minnesota, late July 2015. Five Compliance Officers have expressed interest in attending the training.

2. Meetings.

- A. New Board member Jason Hansel's orientation will be May 1, 2015, at the board office in Des Moines.
- B. The 111th NABP Annual Meeting will be held in New Orleans, Louisiana, on May 16-19, 2015. James Miller, Edward McKenna, and Jason Hansel plan to attend the meeting.
- C. The Iowa Pharmacy Association's Annual Meeting will be held in Coralville, on June 11-13, 2015.
- D. The June board meeting is scheduled for June 23-24, 2015, in Des Moines.
- E. The NABP/AACP District Five Annual Meeting will be held August 6-8, 2015, in Fargo, North Dakota.
- F. The September board meeting is scheduled for September 1-2, 2015, in Des Moines.
- G. The November board meeting is scheduled for November 3-4, 2015, in Des Moines.

3. Miscellaneous.

Brochures on "Think Whole Person Healthcare" were available to anyone interested.

4. Open Meetings/Public Records Law Report.

Debbie Jorgenson and Becky Hall attended an Open Meetings/Public Records Laws: Know Your Rights and Responsibilities Meeting on April 15, 2015, in Des Moines. Charlie Smithson, Executive Director of the Iowa Public Information Board (IPIB) was the presenter. IPIB is a state agency charged in Iowa Code Chapter 23 with the administration and enforcement of Iowa Code Chapter 21, "Open Meetings," and Chapter 22, "Open Records," as those laws apply to state and local government entities. Topics discussed included electronic meetings; email communications and replying with the "reply all" button; state and private email accounts; when going into closed session no discussions are to be held which does not directly relate to the specific reason announced as justification for the closed session; Iowa Code requires notice to be given at least twenty-four hours prior to any meeting unless for a good cause, in which case as much notice as reasonably possible shall be given; and there is no requirement in the law for a public comment period.

5. Report on FDA Inter-Governmental Meeting – Andrew Funk.

Andrew Funk attended the FDA Inter-Governmental Working Meeting on Drug Compounding on March 18-19, 2015, in Silver Spring, Maryland. Topics discussed pertained to both sterile and non-sterile compounding, including the compounding of veterinary drugs. The regulation of 503B Outsourcing Facilities was also discussed.

6. Iowa Pharmacist Recovery Network (IPRN) Report – Emily Dykstra.

Emily Dykstra provided the IPRN Report.

7. FDA Issues New Draft Documents Related to Compounding of Human Drugs.

Informational item.

8. American Academy of Pediatrics Policy Statement on Liquid Oral Pediatric Medication Dosing.

Informational item.

9. Telemedicine Already Here.
Informational item.
10. Committees and Task Forces.
Informational item.
11. Proposed Amendment to NABP Bylaws.
Any proposed Amendment will be read and voted on at the NABP 111th Annual Meeting in New Orleans, Louisiana, in May 2015.
12. New Practice Model for Community Pharmacy Phase Two – First Quarter Report.
Megan Myers provided the New Practice Model for Community Pharmacy Phase Two - First Quarter Report for review.
13. Hy-Vee Pharmacy fulfillment Center's First Quarter 2015 Error Report.
Hy-Vee Pharmacy Fulfillment Center submitted their First Quarter 2015 Error Report for review.
14. Medication Assisted Treatment Summit.
A Medication Assisted Treatment Summit will be held on May 7, 2015, at the Sheraton West Des Moines in West Des Moines.

Request

1. Variance Request – 657 I.A.C. 8.9 Records – Hy-Vee Pharmacy #1026, Atlantic.
Motion by James Miller, seconded by Edward McKenna, to approve the request as specified on the petition, for a period of five years. Motion approved unanimously.

Request

2. Request for Early Dismissal of Probation – Nicole Standiford, Pharmacist Intern Registration No. 70531, Iowa City.

At 10:10 a.m., motion by Susan Frey, seconded by James Miller, the Board voted unanimously by roll call vote to move into closed session pursuant to Iowa code Section § 21.5(1)(a) to review or discuss records which are required or authorized by state or federal law to be kept confidential, specifically to review or discuss information that is confidential under Iowa Code § 272C.6 and 22.7(2).

At 10:17 a.m., while still in closed session, Susan Frey moved that the Board go into open session, seconded by Edward McKenna. Motion approved unanimously.

In open session, the following action was taken:

Motion by James Miller, seconded by Edward McKenna, to grant request for early release from probation and allow Ms. Standiford to apply for an Iowa pharmacist license. Motion approved unanimously. A copy of the Termination Order is attached as Addendum A.

Legal Update: Federal Trade Commission v. North Carolina Board of Dentistry

North Carolina's Dental Practice Act does not specify that teeth whitening is "the practice of dentistry." The Board of Dental Examiners issued cease-and-desist letters to nondentist teeth whitening service providers. The Federal Trade Commission filed a complaint stating it constituted an anticompetitive and unfair method of competition under the Federal Trade Commission Act. The North Carolina Board replied back that they are a state licensing board authorized by statute and have immunity.

The U.S. Supreme court recently ruled that the North Carolina Dental Board was subject to antitrust laws, due in part to lack of proper oversight by the state.

The following policy issues may go before the Iowa Legislature next year: (1) do nothing and risk not having immunity; (2) the Legislature may change the composition of the Board so the Board is not primarily pharmacists; (3) provide some sort of active supervision such as making all Board decisions proposed with an opportunity to appeal to the Director of Public Health. The Board would then be actively supervised by someone outside of the practice.

The following topics were discussed: (1) Board members are public members of the Board appointed by the Governor and their duty is to promote the health and safety of the citizen's of Iowa; (2) clear distinctions between the Iowa Board of Pharmacy and the Iowa Pharmacy Association; (3) possible change in statutory structure and rules regarding programs the Board allocates funding to.

The Board may recommend adding a registered pharmacy technician to the Board if there are changes made to the composition of the Board.

Legal Update: Current Litigation

The Board currently has three judicial reviews in District Court.

Rules/Legislation Update

1. Senate File 484, Medical Cannabis Act.

The Bill will not be addressed this legislative session.

2. Senate File 457, Ombudsman's Bill.

The Governor signed the Bill on April 24, 2015. The Bill allows the Ombudsman's office to request closed session minutes and closed recordings of meetings where appropriate for one of their investigations. The Bill will go into effect on July 1, 2015.

3. Senate File 373, DME Licensure

The Bill did not pass and was referred back to Senate State Government Committee for consideration for next session.

4. Senate File 410, Drug Overdose Protection.

The Bill did not pass and was referred back to House Public Safety Committee for consideration for next session.

5. House File 600, Telehealth Regulation.

The Bill did not pass and was referred back to the House Human Resources Committee for consideration next session.

6. Senate File 453, Board of Pharmacy re: Telepharmacy, NRP, Outsourcing Facilities, etc.

The Bill passed the Senate, House Human Resources Subcommittee, but not the Human Resources full Committee and will be considered next year.

7. House File 567, Controlled Substance Rescheduling and Penalty Enhancements.

The Bill was proposed by the House Judiciary Committee and the Committee incorporated the Controlled Substance Rescheduling changes the Iowa Board of Pharmacy had recommended. It passed the House, the Senate Judicial Committee and is currently on the Senate's unfinished business calendar to be addressed sometime this year.

8. House File 395, PBM Regulation.

The Bill was signed by the Governor on April 2, 2015, and became effective immediately.

9. Senate File 462, Epi-Pens in Schools.

The Bill was signed by the Governor on April 24, 2015, and will go into effect on July 1, 2015. The Iowa Board of Pharmacy, Board of Medicine, and Board of Nursing will be required to adopt rules to implement the program.

10. Senate File 384, Open Meetings Law.

The Bill passed the Senate and was referred to the State Government Subcommittee and will be addressed next year.

Licensure/Registration

1. Executive Healthcare LLC, Dallas, Texas.

Motion by James Miller, seconded by Susan Frey, to approve the Application for Nonresident Iowa Pharmacy License. Motion approved unanimously.

2. Han Sam DBA River's Edge, Palm Desert, California.

This item was tabled.

3. Rx Unlimited LLC, North Hills, California.

Motion by Susan Frey, seconded by LaDonna Gratias, to contact Rx Unlimited LLC and request they withdraw their Application for Nonresident Iowa Pharmacy License until pending issues with the state of California have been resolved. Motion approved unanimously.

4. The Prescription Center, LaCrosse, Wisconsin.

This item was tabled.

5. NR & V Drugs, Inc., d/b/a Wyandotte Drugs, Wyandotte, Michigan.

Motion by Susan Frey, seconded by LaDonna Gratias, to issue Licensure by Consent Agreement. Motion approved unanimously.

6. South Coast Specialty Compounding, Inc., d/b/a Park Compounding, California.

Motion by James Miller, seconded by Edward McKenna to approve application for Nonresident Iowa Pharmacy License. Motion approved unanimously.

Complaints Against Non-Licensees

1. 2009-146 AnewRx, Pittsburgh, Pennsylvania.

Motion by James Miller, seconded by LaDonna Gratias, to close with no action. Motion approved unanimously.

2. 2015-22 Mark's Marine Pharmacy, Vancouver, B.C.

Motion by James Miller, seconded by Susan Frey, to close with no action and refer to the Canadian Authorities. Motion approved unanimously.

Update/Discussion on Executive Director Position Vacancy

The Board's Search Committee submitted their Position Description Questionnaire (PDQ) and met with a representative from the Department Administrative Services (DAS).

The committee requested the Executive Director's position be upgraded from a Public Service Executive 4 position to a Public Service Executive 5 position. The request was denied and the position will remain at a PSE 4 position. The Board discussed the options of approving the decision or appealing the decision and submitting comments. Salary limitations, raising the salary after six months, and moving expenses for the position were discussed. The Board reviewed a Hiring Process Checklist from the Applicant Screening Manual that was provided from DAS to assist the Board with the hiring process. The Board discussed June 16, 2015, as the deadline for the length of time the position would be posted. The position will be posted for state employees and non-state employees. The position will be posted on the BrassRing Applicant System with the State of Iowa. The Board discussed developing a screening plan, scoring grid, and a timeline for interviews.

Administrative Hearings

1. Stephanie Wadell, Pharmacy Support Person/Pharmacy Technician Registration, Orange City.

At 1:05 p.m., Laura Lockard, Administrative Law Judge, Department of Inspections and Appeals opened the record. Assistant General Laura Steffensmeier represented the State. Stephanie Wadell was self-represented. The hearing was conducted in the presence of the Board. The hearing was open to the public.

The Board heard testimony of witnesses and examined exhibits.

At 1:27 p.m., the record was closed.

At 1:30 p.m., motion by Susan Frey, seconded by LaDonna Gratias, the Board voted unanimously by roll call vote to move into closed session in accordance with Iowa Code Section 21.5(1)(f) to discuss the decision to be rendered in a contested case.

At 1:45 p.m., Susan Frey moved that the Board go into open session, seconded by Edward McKenna. Motion approved unanimously.

Motion by Susan Frey, seconded by James Miller, to direct Administrative Law Judge Lockard to draft the Order consistent with the Board's deliberations in the Stephanie Wadell case.

2. Case 2014-45, Dutch Mill Pharmacy, Pharmacy License No. 445, Orange City; Brent Plender, Pharmacist License No. 17651, Orange City; and Dwayne Plender, Pharmacist License No. 13561, Orange City.

At 2:00 p.m., Laura Lockard, Administrative Law Judge, Department of Inspections and Appeals opened the record. Assistant Attorney General Meghan Gavin represented the State. Dutch Mill Pharmacy, Brent Plender, and Dwayne Plender were self-represented. The hearing was conducted in the presence of the Board. The hearing was closed to the public.

The Board heard testimony of witnesses and examined exhibits.

At 3:20 p.m., the record was closed.

At 3:33 p.m., motion by Susan Frey, seconded by Edward McKenna, the Board voted unanimously by roll call vote to move into closed session in accordance with Iowa Code Section 21.5(1)(f) to discuss the decision to be rendered in a contested case.

At 4:03 p.m., James Miller moved that the Board go into open session, seconded by LaDonna Gratias. Motion approved unanimously.

Motion by Susan Frey, seconded by LaDonna Gratias, to direct Administrative Law Judge Lockard to draft the Order consistent with the Board's deliberations in case 2014-45 Dutch Mill Pharmacy, Brent Plender, and Dwayne Plender. Motion approved unanimously.

Closed Session

At 4:07 p.m., motion by Susan Frey, seconded by Edward McKenna, the Board voted unanimously by roll call vote to move into closed session for the following reasons:

For review of Closed Session Minutes pursuant to Iowa Code § 21.5(1)(a) to review or discuss records which are required or authorized by state or federal law to be kept confidential, specifically to review or discuss information that is confidential under Iowa Code § 21.5(4.)

For Follow-Up Investigative Information pursuant to Iowa Code § 21.5(1)(d) to discuss whether to initiate licensee disciplinary investigations or proceedings and pursuant to Iowa Code § 21.5(1)(a) to review or discuss records which are required or authorized by state or federal law to be kept confidential, specifically to review or discuss information that is confidential under Iowa Code § 272C.6(4.)

At 4:28 p.m. while still in closed session, Edward McKenna moved that the Board go into open session, seconded by LaDonna Gratias. Motion approved unanimously.

At 4:30 p.m. the Board went to recess.

The meeting reconvened in open session on Wednesday, April 29, 2015, at 9:00 a.m.

WEDNESDAY APRIL 29, 2015

MEMBERS PRESENT

Edward L. Maier, Chairperson
James Miller, Vice-Chair
Susan M. Frey
LaDonna Gratiias
Edward J. McKenna
Judith M. Trumpy (joined at 9:53 a.m.)

MEMBERS ABSENT

Sharon K. Meyer

STAFF PRESENT

Therese Witkowski, Interim Director/Executive Officer
Meghan Gavin, Esq., Assistant Attorney General
Laura Steffensmeier, Esq., Assistant Attorney General
Debbie Jorgenson, Administrative Assistant
Becky Hall, Secretary
Andrew Funk, Compliance Officer
Curt Gerhold, Compliance Officer
Mark Mather, Compliance Officer
Sue Mears, Compliance Officer
Jean Rhodes, Compliance Officer
Jennifer Tiffany, Compliance Officer
Jennifer O'Toole, Compliance Officer
Jim Wolfe, Compliance Officer

At 9:05 a.m., Edward Maier, Chairperson, called the meeting of the Iowa Board of Pharmacy to order.

Closed Session

At 9:05 a.m., motion by Susan Frey, seconded by James Miller, the Board voted unanimously by roll call vote to move into closed session for the following reasons:

For Follow-Up Investigative Information pursuant to Iowa Code § 21.5(1)(d) to discuss whether to initiate licensee disciplinary investigations or proceedings and pursuant to Iowa Code § 21.5(1)(a) to review or discuss records which are required or authorized by state or federal law to be kept confidential, specifically to review or discuss information that is confidential under Iowa Code § 272C.6(4).)

For Settlement Agreement and Final Orders pursuant to Iowa Code § 21.5(1)(f) to discuss the decision to be rendered in a contested case.

For Combined Statement of Charges, Settlement Agreement, and Final Orders pursuant to Iowa Code § 21.5(1)(d) to discuss whether to initiate licensee disciplinary investigations or proceedings and pursuant to Iowa Code § 21.5(1)(f) to discuss the decision to be rendered in a contested case.

For Notice of Hearings and Statement of Charges pursuant to Iowa Code § 21.5(1)(d) to discuss whether to initiate licensee disciplinary investigations or proceedings.

For Complaints and Investigative Reports pursuant to Iowa Code § 21.5(1)(d) to discuss whether to initiate licensee disciplinary investigations or proceedings and § 21.5(1)(a) to review or discuss records which are required or authorized by state or federal law to be kept confidential, specifically information that is confidential under Iowa Code § 272C.6(4).)

At 9:53 a.m., Board Member Judith Trumpy joined the meeting.

At 9:53 a.m., while still in closed session, Edward McKenna moved that the Board go into open session, seconded by LaDonna Gratiias. Motion approved unanimously.

Closed Session

At 9:54 a.m., motion by Susan Frey, seconded by James Miller, the Board voted unanimously by roll call vote to move into closed session for the following reason:

For Complaints and Investigative Reports pursuant to Iowa Code § 21.5(1)(d) to discuss whether to initiate licensee disciplinary investigations or proceedings and § 21.5(1)(a) to review or discuss records which are required or authorized by state or federal law to be kept confidential, specifically information that is confidential under Iowa Code § 272C.6(4.)

At 10:53 a.m., while still in closed session James Miller moved that the Board go into open session, seconded by LaDonna Gratias. Motion approved unanimously.

In open session, the following actions were taken:

1. Closed Minutes.

Motion by James Miller, seconded by LaDonna Gratias, to approve the Closed Session Minutes of the March 9-10, 2015, meeting. Motion approved unanimously.

2. Closed Minutes.

Motion by Edward McKenna, seconded by LaDonna Gratias, to approve the Closed Session Minutes of the March 10, 2015, meeting. Motion approved unanimously.

3. Closed Minutes.

Motion by Edward McKenna, seconded by LaDonna Gratias, to approve the Closed Session Minutes of the March 11, 2015, meeting. Motion approved unanimously. Susan Frey, recused.

4. Closed Minutes.

Motion by Edward McKenna, seconded by LaDonna Gratias, to approve the Closed Session Minutes of the March 31, 2015, teleconference meeting. Motion approved unanimously.

5. Close With No Action.

Motion by James Miller, seconded by Susan Frey, to close with no further action the investigative files in complaint numbers: 2015-31, 2011-108, 2013-34, 2013-44, 2013-153, 2013-204, 2009-127, 2013-215, and 2014-30. Motion approved unanimously.

6. Close With No Action.

Motion by James Miller, seconded by Susan Frey, to close with no further action the investigative files in complaint numbers: 2013-167, 2013-4012, and 2013-5. Motion approved unanimously.

7. Settlement Agreement and Final Order.

Motion by James Miller, seconded by Edward McKenna, to approve the Settlement Agreement and Final Order in the case of Kimberly R. Robertson, Pharmacist License No. 15845 of Des Moines. Motion approved unanimously. Susan Frey, recused. A copy of the Settlement Agreement and Final Order is attached as Addendum B.

8. Settlement Agreement and Final Order.

Motion by James Miller, seconded by Edward McKenna, to approve the Settlement Agreement and Final Order in the following cases. Motion approved unanimously.

- A. Mark Frahm, Pharmacist License No. 15271 of Ottumwa. A copy of the Settlement Agreement and Final Order is attached as Addendum C.
- B. Mary Mosher, Pharmacist License No. 20661 of Cedar Rapids. A copy of the Settlement Agreement and Final Order is attached as Addendum D.

9. Combined Statement of Charges, Settlement Agreement, and Final Order.

Motion by Susan Frey, seconded by LaDonna Gratias, to approve the Combined Statement of Charges Settlement Agreement, and Final Order in the following cases. Motion approved unanimously.

- A. Catherine Newquist, Pharmacy Technician Registration No. 21120 of Winterset. A copy of the Combined Statement of Charges, Settlement Agreement and Final Order is attached as Addendum E.
- B. Peggy Aghaei, Pharmacy Technician Registration No. 18223 of Charles City. A copy of the Combined Statement of Charges, Settlement Agreement and Final Order is attached as Addendum F.

10. Notice of Hearing and Statement of Charges.

Motion by James Miller, seconded by Edward McKenna, to approve the Notice of Hearing and Statement of Charges in the following cases. Motion approved unanimously.

- A. Abigail Roberts, Pharmacy Technician Registration No. 10535 of Rockwell. A copy of the Notice of Hearing and Statement of Charges is attached as Addendum G.
- B. Rxtra Solutions, Nonresident Pharmacy License No. 4203 of Southfield, Michigan. A copy of the Notice of Hearing and Statement of Charges is attached as Addendum H.

11. Close With No Action.

Motion by James Miller, seconded by Edward McKenna, to close with no further action the investigative files in complaint numbers: 2015-50, 2015-63, 2015-69, 2015-73, 2015-39, 2015-40, 2015-38, 2015-46, 2015-17, 2015-36, 2013-111, 2015-27, 2015-14, 2013-3554, and 2015-35. Motion approved unanimously.

12. Draft Statement of Charges

Motion by Judith Trumpy, seconded by Edward McKenna, to draft Statement of Charges against the pharmacy in 2015-44; technician in 2015-74; and pharmacist in 2015-25. Motion approved unanimously.

13. Administrative Warning.

Motion by Edward McKenna, seconded by Judith Trumpy, to issue an Administrative Warning to the pharmacist in 2015-56; and pharmacy and pharmacist in charge in 2015-12. Motion approved unanimously.

14. Order to Show Cause.

Motion by LaDonna Gratias, seconded by Susan Frey, to draft an Order to Show Cause against the CSA Registrant in 2015-42. Motion approved unanimously.

Update/Discussion on Executive Director Position Vacancy

Terry Witkowski received clarification from the Department of Administrative Services (DAS) regarding the limitations and raising the salary after six months for the position. The Board may, after six months, raise the salary within the salary range if the employee has a performance evaluation that meets expectations. The Board will need to complete a Hiring Justification Form and submit the form to DAS and Department of Management for approval. Once the Board has all the required paperwork, the information will be sent to the Health Department and the position will be posted on the BrassRing Applicant System.

Motion by Susan Frey, seconded by LaDonna Gratias, to adjourn at 11:45 a.m. on April 29, 2015.


Becky Hall
Recording Secretary


Therese Witkowski
Interim Director


Edward L. Maier
Board Chair

APPROVED THIS 24th DAY OF June, 20 15.

ADDENDUM A

TERMINATION ORDER

**NICOLE STANDIFORD
PHARMACIST-INTERN REGISTRATION NO. 70531
IOWA CITY, IOWA**

BEFORE THE BOARD OF PHARMACY STATE OF IOWA

IN THE MATTER OF THE FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND
ORDER AGAINST

NICOLE STANDIFORD, RESPONDENT

TERMINATION ORDER

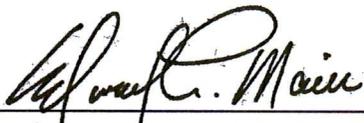
DATE: April 28, 2015

1. On August 28, 2013, a Findings of Fact, Conclusions of Law, Decision and Order was issued by the Iowa Board of Pharmacy granting the application for registration as a pharmacist intern of Nicole Standiford and placing it on probation for the duration of applicant's pharmacist intern registration with certain terms and conditions.
2. Respondent petitioned the Board for early release from probation, stating that the probation is hindering her from finding a position as a pharmacist.
3. Motion by James Miller, seconded by Edward McKenna to grant request for early release from probation. The motion passed with Sharon Meyer and Judith Trumpy absent.
4. The Board directed that the probation placed upon the Respondent's pharmacist internship registration should be terminated.

IT IS HEREBY ORDERED:

That the probation placed upon the Respondent's pharmacist internship registration is terminated.

IOWA BOARD OF PHARAMCY



Edward L. Maier, Board Chairperson
400 SW 8th Street, Suite E
Des Moines, Iowa 50309-4688

ADDENDUM B

**SETTLEMENT AGREEMENT
AND FINAL ORDER**

**KIMBERLY R. ROBERTSON
PHARMACIST LICENSE NO. 15845
DES MOINES, IOWA**

BEFORE THE IOWA BOARD OF PHARMACY

Re:	)	Case Nos. 2012-52 & 2012-174
Pharmacist License of)	
KIMBERLY R. ROBERTSON	)	SETTLEMENT AGREEMENT
Pharmacist No. 15845	)	AND
Respondent	)	FINAL ORDER

COME NOW the Iowa Board of Pharmacy (“Board”) and Kimberly R. Robertson (“Respondent”), and enter into this Settlement Agreement and Final Order (“Agreement”) pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) (2013) to settle a licensee disciplinary proceeding currently pending before the Board.

The allegations contained in the Amended Statement of Charges against the Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

1. Respondent holds Iowa pharmacist license number 15845, which is currently active.
2. The Board has jurisdiction over the parties and the subject matter of these proceedings.
3. An Amended Statement of Charges was filed against the Respondent on November 19, 2014.
4. Respondent expressly denies the charges, but acknowledges that the charges, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Order.
5. Should Respondent violate the terms of this Settlement Agreement and Final Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2013) and Iowa Administrative Code chapter 657—36.
6. Execution of this 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.
7. Respondent is freely and voluntarily entering into this Agreement. This agreement is a resolution of the disputed claims and the Respondent’s agreement to the terms does not constitute any admission of wrongdoing. 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.

8. This Agreement 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. Respondent possesses the requisite character and qualifications to be a licensed Iowa pharmacist in accordance with this agreement.

9. 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.

10. 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.

11. This Agreement shall be reported to the national database in conformance with the Board's policies and procedures.

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

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

IT IS THEREFORE ORDERED:

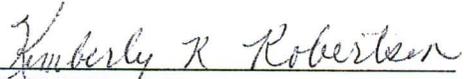
14. On the date of the Board's approval of this Settlement Agreement and Final Order, Respondent's license shall be placed on **PROBATION** for a period of five (5) years subject to the following terms and conditions:

- a. Respondent shall agree to comply with the terms of probation.
- b. Only those time periods during which Respondent is employed as a pharmacist shall count toward exhaustion of the probationary term.
- c. Respondent can apply for early release after successfully completing two (2) years of probation.
- d. Respondent shall not serve as a Pharmacist-in-Charge (PIC) for two (2) years. Respondent may apply, however, for release from this restriction after one (1) year of successful completion of probation.
- e. Within one (1) year of Board's approval of this Settlement Agreement and Final Order, the Respondent shall provide proof to the Board of the completion of twenty (20) hours of continuing education in the areas of record keeping, policies and procedures, Iowa laws and rules, and controlled substances. These hours

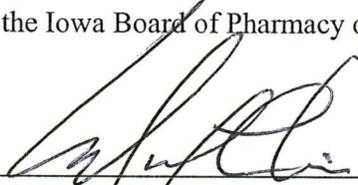
shall not count towards Respondent's annual continuing education requirement. Respondent is responsible for all costs associated with obtaining these continuing education hours.

- f. Within one (1) year of the Board's approval of this Settlement Agreement and Final Order, the Respondent shall retake and successfully pass the Iowa edition of the MPJE. Should Respondent attempt but fail to pass the MPJE within the timeframe allotted, Respondent may petition the Board to allow additional time for her to pass the MPJE.
- g. Respondent agrees to abide by the Board's decision on Bauder Pharmacy's appeal of the Board's Preliminary Notice of Intent to Deny Renewal. This, however, does not waive Respondent's ability as owner of Bauder Pharmacy to seek judicial review of the Board's decision.
- h. Respondent shall inform the Board, in writing, of any change of home address, place of employment, home telephone number, or work telephone number, within ten (10) days of such a change.
- i. Respondent shall submit written quarterly reports to the Board, said reports being due on March 1, June 1, September 1, and December 1 during each calendar year of the probationary period. The quarterly report shall include Respondent's place of employment, current address, *Respondent's most recent efforts to implement the provisions of this Settlement Agreement and Final Order, by date*, and any further information requested by the Board from time to time.
- j. Respondent shall notify all employers and prospective employers (no later than at the time of an employment interview), including any pharmacist-in-charge, of the resolution of this case and the terms, conditions and restrictions imposed on Respondent by this Settlement Agreement and Final Order.
- k. Within fifteen (15) days of undertaking new employment as a pharmacist, Respondent shall cause her pharmacy employer, and any pharmacist-in-charge she works under, to report to the Board a written acknowledgment that the employer and the pharmacist-in-charge have read this document and understand it.
- l. Respondent shall appear informally before the Board, upon the request of the Board, for the purpose of reviewing her performance as a pharmacist during Respondent's probationary period. Respondent shall be given reasonable notice of the date, time, and place for such appearances.
- m. Respondent shall not supervise any registered pharmacist-intern and shall not perform any of the duties of a pharmacy preceptor.
- n. Respondent shall obey all federal and state laws, rules, and regulations related to the practice of pharmacy.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 15 day of April, 2015.


KIMBERLY R. ROBERTSON, R.Ph.
Respondent

This Settlement Agreement and Final Order is accepted by the Iowa Board of Pharmacy on the 29th day of April, 2015.


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

cc: Meghan Gavin
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

Guy Cook
Adam Zenor
500 E. Court Ave. #200
Des Moines, Iowa 50309
ATTORNEYS FOR THE RESPONDENT

ADDENDUM C

**SETTLEMENT AGREEMENT
AND FINAL ORDER**

**MARK FRAHM
PHARMACIST LICENSE NO. 15271
OTTUMWA, IOWA**

BEFORE THE IOWA BOARD OF PHARMACY

Re:) CASE NO. 2014-204
Pharmacist License of)
)
MARK FRAHM) **SETTLEMENT AGREEMENT**
) **AND FINAL ORDER**
License No. 15271)
Respondent.)

Pursuant to Iowa Code sections 17A.10 and 272C.3(4) (2015), the Iowa Board of Pharmacy ("Board") and Mark Frahm ("Respondent") enter into the following Settlement Agreement and Final Order ("Order") to settle a contested case pending before the Board.

The allegations contained in a Statement of Charges against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

1. Respondent's license #15271 is currently active and expires on June 30, 2016.
2. The Board has jurisdiction over the parties and the subject matter of these proceedings.
3. A Statement of Charges was filed against Respondent on March 10, 2015.
4. Respondent admits the allegations contained in the Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Order.
5. 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 actions, by freely and voluntarily entering into this Settlement Agreement. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.
6. Respondent is freely and voluntarily entering into this Order.
7. Respondent acknowledges that he has the right to be represented by counsel on this matter.
8. 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.
9. This Order is subject to approval by a majority of the full Board. If the Board fails to approve this Order, it shall be of no force or effect to either the Board or Respondent. If the Board approves this Order, it shall be the full and final resolution of this matter.

10. This Order shall be part of the permanent record of Respondent 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.
11. Respondent acknowledges and understands that this Order will be reported to the National Association of Boards of Pharmacy's Disciplinary Clearinghouse, as applicable.
12. 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.
13. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.

IT IS THEREFORE ORDERED:

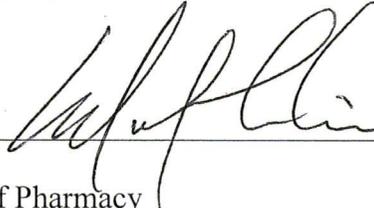
14. Respondent is hereby **CITED** for failing to report to the clozapine registry and **WARNED** that Respondent's failure to comply with the laws governing the practice of pharmacy in the future could result in further discipline.
15. Respondent agrees to pay a civil penalty in the amount of one-thousand dollars (\$1000). This civil penalty shall be made payable to the Treasurer of Iowa and paid within thirty (30) days of the Board's approval of this Settlement Agreement and Final Order. All civil penalty payments shall be deposited into the State of Iowa general fund.
16. Respondent agrees to provide the Board with proof of registration with the clozapine registry within thirty (30) days of the Board's approval of this Settlement Agreement and Final Order.
17. Respondent agrees to provide the Board a written policy or procedure for South Side Drug Inc. that addresses reporting to the clozapine registry within thirty (30) days of the Board's approval of this Settlement Agreement and Final Order.
18. Respondent agrees to provide the Board with proof of reporting to the clozapine registry within sixty (60) days of the Board's approval of this Settlement Agreement and Final Order.
19. The civil penalty and the documentation required to be submitted to the Board under paragraphs 16, 17, and 18, should be mailed to the Iowa Board of Pharmacy, Attn: Debbie Jorgenson, 400 SW Eighth Street, Suite E, Des Moines, IA 50309.
20. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A and 657 Iowa Administrative Code chapter 36.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 14th day of April, 2015.

Mark L Frahm

MARK FRAHM
Respondent

This Settlement Agreement and Final Order is accepted by the Iowa Board of Pharmacy on the
29th day of April, 2015.



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

cc: Laura Steffensmeier
Assistant Attorney General
Hoover Building, 2nd Floor
Des Moines, IA 50319

ADDENDUM D

**SETTLEMENT AGREEMENT
AND FINAL ORDER**

**MARY MOSHER
PHARMACIST LICENSE NO. 20661
CEDAR RAPIDS, IOWA**

BEFORE THE IOWA BOARD OF PHARMACY

Re:	)	CASE NO. 2015-24
Pharmacist License of)	
	)	SETTLEMENT AGREEMENT
MARY MOSHER	)	AND FINAL ORDER
License No. 20661)	
Respondent.)	

Pursuant to Iowa Code sections 17A.10 and 272C.3(4) (2015), the Iowa Board of Pharmacy ("Board") and Mary Mosher ("Respondent") enter into the following Settlement Agreement and Final Order ("Order") to settle a contested case pending before the Board.

The allegations contained in a Statement of Charges against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

1. Respondent's license #20661 is currently active and expires on June 30, 2015.
2. The Board has jurisdiction over the parties and the subject matter of these proceedings.
3. A Statement of Charges was filed against Respondent on March 10, 2015.
4. Respondent admits the allegations contained in the Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Order.
5. 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 actions, by freely and voluntarily entering into this Settlement Agreement. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.
6. Respondent is freely and voluntarily entering into this Order.
7. Respondent acknowledges that she has the right to be represented by counsel on this matter.
8. 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.
9. This Order is subject to approval by a majority of the full Board. If the Board fails to approve this Order, it shall be of no force or effect to either the Board or Respondent. If the Board approves this Order, it shall be the full and final resolution of this matter.

10. This Order shall be part of the permanent record of Respondent 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.
11. Respondent acknowledges and understands that this Order will be reported to the National Association of Boards of Pharmacy's Disciplinary Clearinghouse and National Practitioner Databank, as applicable.
12. 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.
13. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.

IT IS THEREFORE ORDERED:

14. Respondent's license shall be **INDEFINITELY SUSPENDED**. Respondent shall not be permitted to apply for reinstatement of her pharmacist license until all of the following conditions have been satisfied:
 - a. A minimum of one year has passed from the date of the Board's approval of this Agreement.
 - b. Respondent obtains a complete mental health and substance abuse evaluation from a treatment provider pre-approved by the Board. It is Respondent's responsibility to seek prior approval of the evaluator, ensure the Board is notified at least five days prior to the evaluation, and ensure that the Board's disciplinary file, including Board orders and investigative reports, are provided to the evaluator prior to the evaluation. Failure to comply with any of these requirements automatically renders the evaluation noncompliant. Respondent will not be permitted to seek reinstatement based upon a noncompliant evaluation.
 - c. Respondent delivers to the Board a current, comprehensive, and fully documented mental health and substance abuse evaluation of Respondent performed in accordance with the preceding paragraph "b". The evaluation must conclude that Respondent is fit to practice pharmacy. Any conclusion that Respondent is fit to return to the practice of pharmacy must include an assessment of Respondent's ability to cope with the presence of controlled substances in the pharmacy setting. The evaluation must include any recommendations for treatment.
 - d. Respondent permits the Board to have complete access to Respondent's medical records, including records of substance abuse treatment, as necessary to fully evaluate Respondent's reinstatement request.
15. At such time as Respondent satisfies all of the requirements set forth in paragraph 14, Respondent may petition the Board for reinstatement of Respondent's license and commencement of a period of probation. Reinstatement of Respondent's license shall be at the discretion of the Board.

16. In the event the Board determines that Respondent's license should be reinstated, Respondent's license to practice pharmacy shall be placed on **PROBATION** for a period of five (5) years. The terms of probation include the following:
- a. Respondent must be employed as a pharmacist for a minimum of forty (40) hours per month for at least thirty (30) months of the probationary term. If Respondent cannot satisfy this requirement, the probationary period will extend beyond five (5) years until such time as Respondent can satisfy this requirement.
 - b. Respondent shall not possess or use any controlled substance or prescription drug in any form unless the controlled substance or prescription drug has been authorized and prescribed for Respondent by a licensed treating physician or other qualified health care provider. Respondent shall inform all treating physicians and other health care providers of her medical history, including all history of chemical dependency. Respondent shall provide the Board a copy of this notification upon request.
 - c. Respondent shall provide witnessed blood, hair, or urine specimens on demand by the Board or its agents. Respondent shall provide such witnessed blood, hair, or urine specimens within the timeframe specified on the day of notice from the Board or the Board's chemical screening program requesting that Respondent provide a specimen. The specimens shall be used for alcohol and drug screening to verify Respondent's compliance with this Agreement. All costs related to the analysis of such specimens shall be paid by Respondent.
 - d. To facilitate the preceding paragraph "c", Respondent shall participate in the Board's chemical screening program. Respondent shall complete enrollment in the Board's chemical screening program within thirty (30) days of the date his license is placed on probation. Respondent agrees to comply with all requirements of the chemical screening program and shall be responsible for all costs associated with the program. Respondent consents to disclosure to the Board, by the chemical screening program, of all medical information, including test results, generated by Respondent's contact with the chemical screening program.
 - e. Respondent must comply with all treatment recommendations in the evaluation described in paragraph 14"c". Respondent's treatment providers shall submit quarterly reports to the Board documenting Respondent's compliance with treatment for the duration of the treatment. Said quarterly reports are due on March 1, June 1, September 1, and December 1 of each calendar year Respondent is undergoing treatment. Treatment providers shall indicate in the report if treatment is completed and indicate that no further quarterly reports will be submitted as a result.
 - f. Respondent permits the Board to have complete access to Respondent's medical records, including records of substance abuse treatment, as necessary to fully evaluate Respondent's compliance with probationary terms.

- g. Respondent shall participate in the Iowa Recovery Network (IPRN) program under the direct support of a pharmacist advocate. Respondent shall comply with all requirements of the IPRN program.
- h. Respondent shall not serve as a pharmacist-in-charge while on probation. Respondent shall not supervise any registered pharmacist-interns or perform any duties of a pharmacy preceptor while on probation.
- i. Respondent shall notify all employers and prospective employers (no later than at the time of an employment interview), including any pharmacist-in-charge, of the resolution of this case and the terms imposed on Respondent by this Agreement. Within fifteen (15) days of undertaking new employment as a pharmacist, Respondent shall cause her pharmacy employer/s, and any pharmacist-in-charge she works under, to send to the Board a written acknowledgment that the employer and pharmacist-in-charge have read this document and understand the terms.
- j. Respondent shall appear before the Board upon request, for the purpose of reviewing her performance as a pharmacist during Respondent's probationary period. Respondent shall be given reasonable notice of the date, time, and place for such appearances.
- k. Respondent shall inform the Board, in writing, of any change of home address, telephone number, or place of employment within ten (10) days of such a change.
- l. Respondent shall obey all federal and state laws, rules, and regulations related to the practice of pharmacy.
- m. Respondent understands the Board may impose other terms as a condition of reinstatement Respondent's license.
- n. Respondent shall submit written quarterly reports to the Board, said reports being due on March 1, June 1, September 1, and December 1 during each calendar year of the probationary period. Each quarterly report shall include Respondent's place of employment, current address, Respondent's most recent efforts to implement the provisions of this Agreement (by date), and any further information requested by the Board.

17. 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 (2015) and 657 Iowa Administrative Code chapter 36.

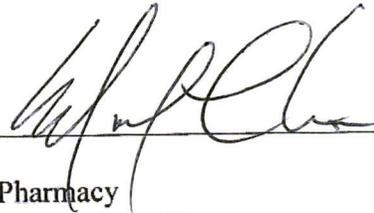
This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 13th day of April, 2015.



 MARY MOSHER

Respondent

This Settlement Agreement and Final Order is accepted by the Iowa Board of Pharmacy on the 29th day of April, 2015.



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

cc: Laura Steffensmeier
Assistant Attorney General
Hoover Building, 2nd Floor
Des Moines, IA 50319

ADDENDUM E

**COMBINED STATEMENT OF
CHARGES, SETTLEMENT
AGREEMENT AND FINAL ORDER**

**CATHERINE NEWQUIST
PHARMACY TECHNICIAN REGISTRATION NO. 21120
WINTERSET, IOWA**

BEFORE THE IOWA BOARD OF PHARMACY

Re:	)	CASE NO. 2014-205
Pharmacy Technician Registration of)	
)	
CATHERINE NEWQUIST	)	COMBINED STATEMENT OF
Registration No. 21120,	)	CHARGES, SETTLEMENT
Respondent.	)	AGREEMENT AND FINAL ORDER

COMES NOW the Iowa Board of Pharmacy ("Board") and Catherine Newquist ("Respondent"), 517 N. 8th Street, Winterset, IA 50273, 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) (2015), stating the following:

1. Respondent holds Iowa pharmacy technician registration number 21120, which is currently active and expires on September 30, 2015.
2. The Board has jurisdiction over the parties and the subject matter of these proceedings.

A. STATEMENT OF CHARGES

Count I

ENGAGING IN UNETHICAL BEHAVIOR—THEFT

3. Respondent is charged with engaging in unethical behavior—theft in violation of 657 IAC 3.28(4), pursuant to Iowa Code sections 147.55(9) and 155A.6A(5), and 657 IAC 3.30, 36.1(4)"c" and "u".

Count II

UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE

4. Respondent is charged with unlawful possession of a controlled substance in violation of Iowa Code section 124.401(5), pursuant to Iowa Code sections 147.55(9) and 155A.6A(5), and 657 IAC 3.30 and 36.1(4)"j".

Count III

VIOLATION OF A LAW RELATED TO PRESCRIPTION DRUGS

5. Respondent is charged with violating a statute or law of this state that relates to the practice of pharmacy or the distribution of controlled substances, prescription drugs, or nonprescription drugs, pursuant to Iowa Code sections 147.55(3), (9), and 155A.6A(5), and 657 IAC 3.30 and 36.1(4)"j".

B. FACTUAL CIRCUMSTANCES

6. Respondent was formerly employed as a pharmacy technician in Winterset, Iowa.

7. Respondent admitted to diverting approximately 35 tablets of hydrocodone/APAP from pharmacy stock for personal use.

8. In February 2015, Respondent entered guilty pleas to two counts of unlawful possession of a prescription drug and one count of theft in the 5th degree in Madison County, Iowa.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

9. 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 action, 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.

10. Respondent admits the allegations, and acknowledges 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.

11. Respondent is freely and voluntarily entering into this Agreement.

12. Respondent acknowledges that she has the right to be represented by counsel on this matter.

13. 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.

14. 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.

15. 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.

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

17. This Agreement 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.

18. Respondent acknowledges and understands that this Agreement will be reported to the National Association of Boards of Pharmacy's Disciplinary Clearinghouse and the National Practitioner Data Bank, as applicable.

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

IT IS THEREFORE ORDERED:

20. Respondent agrees to **VOLUNTARILY SURRENDER** her pharmacy technician registration to resolve this matter.

21. This voluntary surrender is considered a revocation under 657 IAC 36.15 for purposes of reinstatement. Respondent may not request reinstatement for at least one year from the date of this Order.

22. Respondent may request reinstatement of her Iowa pharmacy technician registration by filing an application for reinstatement under 657 IAC 36.13. Respondent's registration shall not be reinstated except upon a showing by Respondent that the basis for suspension of his registration no longer exists, and that it is in the public interest for the registration to be reinstated.

23. Respondent agrees not to work in a pharmacy in any capacity in Iowa unless her registration is reinstated.

24. Respondent shall immediately surrender her pharmacy technician registration to the Board.

25. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2015) 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 30th day of March, 2015.

I am not in possession of my certificate. To my knowledge Shopko Pharmacy still has it.

Catherine Newquist
CATHERINE NEWQUIST
Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is accepted by the Iowa Board of Pharmacy on the 29th day of April, 2015.

[Signature]
EDWARD MAIER, Chairperson
Iowa Board of Pharmacy
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

Copy to:

Laura Steffensmeier
Assistant Attorney General
Hoover Building, 2nd Floor
Des Moines, IA 50319
ATTORNEY FOR THE STATE

ADDENDUM F

**COMBINED STATEMENT OF
CHARGES, SETTLEMENT
AGREEMENT AND FINAL ORDER**

**PEGGY AGHAEI
PHARMACY TECHNICIAN REGISTRATION NO. 18223
CHARLES CITY, IOWA**

BEFORE THE IOWA BOARD OF PHARMACY

Re:	)	CASE NO. 2014-208
Pharmacy Technician Registration of)	
)	
PEGGY AGHAEI	)	COMBINED STATEMENT OF
Registration No. 18223,	)	CHARGES, SETTLEMENT
Respondent.	)	AGREEMENT AND FINAL ORDER

COMES NOW the Iowa Board of Pharmacy ("Board") and Peggy Aghaei ("Respondent"), 505 8th Avenue, Charles City, IA 50616, 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) (2015), stating the following:

1. Respondent holds Iowa pharmacy technician registration number 18223, which is currently active and expires on January 31, 2016.
2. The Board has jurisdiction over the parties and the subject matter of these proceedings.

A. STATEMENT OF CHARGES

Count I

ENGAGING IN UNETHICAL BEHAVIOR—THEFT

3. Respondent is charged with engaging in unethical behavior—theft in violation of 657 IAC 3.28(4), pursuant to Iowa Code sections 147.55(9) and 155A.6A(5), and 657 IAC 3.30, 36.1(4)"c" and "u".

B. FACTUAL CIRCUMSTANCES

4. Respondent was formerly employed as a pharmacy technician in Charles City, Iowa.
5. Respondent admitted to diverting approximately 8 tablets of hydrocodone/APAP from pharmacy stock.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

6. 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 action, 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.

7. Respondent acknowledges 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.

8. Respondent is freely and voluntarily entering into this Agreement.

9. Respondent acknowledges that she has the right to be represented by counsel on this matter.

10. 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.

11. 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.

12. 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.

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

14. This Agreement 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.

15. Respondent acknowledges and understands that this Agreement will be reported to the National Association of Boards of Pharmacy's Disciplinary Clearinghouse and the National Practitioner Data Bank, as applicable.

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

IT IS THEREFORE ORDERED:

17. Respondent agrees to **VOLUNTARILY SURRENDER** her pharmacy technician registration to resolve this matter.

18. This voluntary surrender is considered a revocation under 657 IAC 36.15 for purposes of reinstatement. Respondent may not request reinstatement for at least one year from the date of this Order.

19. Respondent may request reinstatement of her Iowa pharmacy technician registration by filing an application for reinstatement under 657 IAC 36.13. Respondent's registration shall not be reinstated except upon a showing by Respondent that the basis for suspension of his registration no longer exists, and that it is in the public interest for the registration to be reinstated.

20. Respondent agrees not to work in a pharmacy in any capacity in Iowa unless her registration is reinstated.

21. Respondent shall immediately surrender her pharmacy technician registration to the Board.

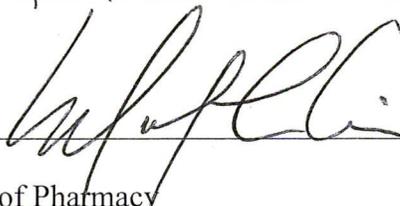
22. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2015) and 657 IAC 36.

This Combined Statement of Charges, Settlement Agreement, and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the ___ day of _____, 2015.



PEGGY AGHAEF
Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is accepted by the Iowa Board of Pharmacy on the 29th day of April, 2015.



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

Copy to:

Laura Steffensmeier
Assistant Attorney General
Hoover Building, 2nd Floor
Des Moines, IA 50319
ATTORNEY FOR THE STATE

Jesse Marzen
110 2nd Street SE
Waverly, IA 50677
ATTORNEY FOR RESPONDENT

ADDENDUM G

**NOTICE OF HEARING AND
STATEMENT OF CHARGES**

**ABIGAIL ROBERTS
PHARMACY TECHNICIAN REGISTRATION NO. 10535
ROCKWELL, IOWA**

BEFORE THE IOWA BOARD OF PHARMACY

Re:	)	CASE NO. 2014-169
Certified Pharmacy Technician)	
Registration of)	
)	
ABIGAIL ROBERTS	)	NOTICE OF HEARING AND
Registration No. 10535	)	STATEMENT OF CHARGES
Respondent.)	

COMES NOW the Iowa Board of Pharmacy ("Board") and files this Notice of Hearing and Statement of Charges against Abigail Roberts ("Respondent"), 318 Adams Street, PO Box 143, Rockwell, Iowa 50469, pursuant to Iowa Code sections 17A.12(2) and 17A.18(3) (2015). Respondent's Iowa certified pharmacy technician registration number 10535 is currently delinquent, having expired on March 31, 2015.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on June 23, 2015, before the Board. The hearing shall be held during the morning session beginning at 9:00 a.m. and shall be located in the Board conference room located at 400 S.W. 8th Street, Des Moines, Iowa.

Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge from the Department of Inspections and Appeals make initial rulings on pre-hearing matters, and be present to assist and advise the Board at the hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 657 IAC 35.19. At the hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at the hearing. If you need to request an alternative time or date for the hearing, you must comply with the requirements in 657 IAC 35.16. The hearing may be open to the public or closed to the public at your discretion.

Prosecution. The Office of Attorney General is responsible for representing the public interest (the State) in this proceeding. Copies of pleadings should be provided to counsel for the State at the following address:

Laura Steffensmeier
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319

Ms. Steffensmeier can also be reached by phone at (515) 281-6690 or by e-mail at laura.steffensmeier@iowa.gov.

Communications. You may contact the Board office at (515) 281-5944 with questions regarding this notice and other matters relating to these disciplinary proceedings. You may not contact individual Board members in any manner, including by phone, letter, or e-mail, regarding this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and the opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case.

B. LEGAL AUTHORITY AND JURISDICTION

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 155A, and 272C (2015).

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 147, 155A, and 272C and under 657 IAC 36.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 657 IAC 35.21.

C. CHARGES

Count I

CONVICTION OF A CRIME

Respondent is charged with conviction of a crime related to the profession or occupation of the licensee or the conviction of any crime that would affect the licensee's ability to practice within the profession, pursuant to Iowa Code sections 147.55(5) and 155A.6A(5), and 657 IAC 3.30 and 36.1(4)"e".

D. FACTUAL CIRCUMSTANCES

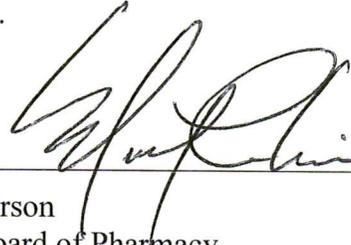
1. Respondent was previously employed at a pharmacy as a technician in Clear Lake, Iowa.
2. In March 2015, Respondent pled guilty to theft—2nd degree, a felony, in Cerro Gordo County, Iowa. In April 2015, Respondent received a deferred judgment and was placed on 5 years of probation. Respondent was ordered to pay her former pharmacy employer \$30,000 in restitution.
3. The criminal charges were based on Respondent's theft of approximately \$30,000 in cash over a two year period from the pharmacy where she worked as a technician.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 657 IAC 36.6. If you are interested in pursuing settlement in this matter, please contact Assistant Attorney General Laura Steffensmeier at (515) 281-6690.

F. FINDING OF PROBABLE CAUSE

On this 29th day of April, 2015, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.



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

cc: Laura Steffensmeier
Assistant Attorney General
Hoover Building, 2nd Floor
Des Moines, IA 50319

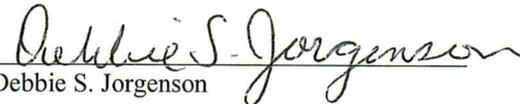
PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon Respondent to the above cause by:

- | | |
|--|---|
| <input type="checkbox"/> personal service | <input type="checkbox"/> first class mail |
| <input checked="" type="checkbox"/> certified mail, return receipt requested | <input type="checkbox"/> facsimile |
| Article Number 9171999991703106714665 | <input type="checkbox"/> other _____ |

on the 30th day of April, 2015.

I declare that the statements above are true to the best of my information, knowledge and belief.


Debbie S. Jorgenson

ADDENDUM H

**NOTICE OF HEARING AND
STATEMENT OF CHARGES**

**RXTRA SOLUTIONS
d/b/a CREAMS 'N CAPS
NONRESIDENT PHARMACY LICENSE NO. 4203
SOUTHFIELD, MICHIGAN**

BEFORE THE IOWA BOARD OF PHARMACY

Re:) CASE NO. 2015-34
Nonresident Pharmacy License of)
)
RXTRA SOLUTIONS) **NOTICE OF HEARING AND**
) **STATEMENT OF CHARGES**
License No. 4203)
Respondent.)

COMES NOW the Iowa Board of Pharmacy ("Board") and files this Notice of Hearing and Statement of Charges against Rxtra Solutions d/b/a Creams 'N Caps ("Respondent"), 18161 W 13 Mile Road A1A, Southfield, Michigan 48076, pursuant to Iowa Code sections 17A.12(2) and 17A.18(3) (2015). Respondent's Iowa nonresident pharmacy license number 4203 is currently delinquent, having expired on December 31, 2014.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on June 23, 2015, before the Board. The hearing shall be held during the afternoon session beginning at 1:00 p.m. and shall be located in the Board conference room located at 400 S.W. 8th Street, Des Moines, Iowa.

Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge from the Department of Inspections and Appeals make initial rulings on pre-hearing matters, and be present to assist and advise the Board at the hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 657 IAC 35.19. At the hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at the hearing. If you need to request an alternative time or date for the hearing, you must comply with the requirements in 657 IAC 35.16. The hearing may be open to the public or closed to the public at your discretion.

Prosecution. The Office of Attorney General is responsible for representing the public interest (the State) in this proceeding. Copies of pleadings should be provided to counsel for the State at the following address:

Laura Steffensmeier
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319

Ms. Steffensmeier can also be reached by phone at (515) 281-6690 or by e-mail at laura.steffensmeier@iowa.gov.

Communications. You may contact the Board office at (515) 281-5944 with questions regarding this notice and other matters relating to these disciplinary proceedings. You may not contact individual Board members in any manner, including by phone, letter, or e-mail, regarding this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and the opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case.

B. LEGAL AUTHORITY AND JURISDICTION

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 155A, and 272C (2015).

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 147, 155A, and 272C and under 657 IAC 36.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 657 IAC 35.21.

C. CHARGES

Count I

FAILURE TO SUBMIT NEW APPLICATION FOR PHARMACY LICENSE CHANGES

Respondent is charged with failing to submit a new pharmacy license application and license fee for a change in ownership or name in violation of 657 IAC 8.35(6), pursuant to Iowa Code section 155A.13A(3) and 657 IAC 36.1(4)"u".

Count II

PROVIDING PHARMACY SERVICES USING A DELINQUENT LICENSE

Respondent is charged with providing pharmacy services to Iowa residents using a delinquent Iowa nonresident pharmacy license in violation of 657 IAC 8.35(4)"b", pursuant to Iowa Code section 155A.13A(3) and 657 IAC 36.1(4)"v".

D. FACTUAL CIRCUMSTANCES

1. In July 2014, Respondent was disciplined by the Board for providing pharmacy services without a license. Respondent's license was placed on probation for one year.
2. Respondent's Michigan pharmacy license was transferred to "Creams 'N Caps" effective August 29, 2014.
3. Respondent did not notify the Board that it had been acquired by a new entity called "Creams 'N Caps" until the Board's investigation of a new application submitted to the Board by Creams 'N Caps in February of 2015.

4. On February 4, 2015, the Board received an Iowa nonresident pharmacy license application from Creams 'N Caps. The application indicated it was for a new license and contained no mention of "Rxtra Solutions". To date, a new license for Creams 'N Caps has not been issued by the Board.

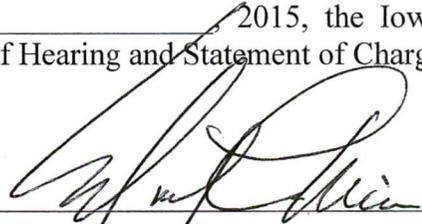
5. From September 2014 through present, "Creams 'N Caps" shipped over 4,000 prescriptions to patients in Iowa.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 657 IAC 36.6. If you are interested in pursuing settlement in this matter, please contact Assistant Attorney General Laura Steffensmeier at (515) 281-6690.

F. FINDING OF PROBABLE CAUSE

On this 29th day of April 2015, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.



EDWARD MAIER, Chairperson
Iowa Board of Pharmacy
400 SW Eight Street, Suite E
Des Moines, Iowa 50309-4688

cc: Laura Steffensmeier
Assistant Attorney General
Hoover Building, 2nd Floor
Des Moines, IA 50319

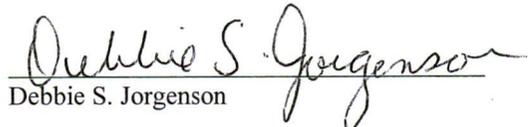
PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon Respondent to the above cause by:

- | | |
|--|---|
| <input checked="" type="checkbox"/> personal service | <input type="checkbox"/> first class mail |
| <input checked="" type="checkbox"/> certified mail, return receipt requested | <input type="checkbox"/> facsimile |
| Article Number 9171999991703106714658 | <input type="checkbox"/> other _____ |

on the 30th day of April, 2015.

I declare that the statements above are true to the best of my information, knowledge and belief.


Debbie S. Jorgenson