

State of Iowa  
**Board of Pharmacy**

RiverPoint Business Park  
400 S.W. Eighth Street, Suite E, Des Moines, Iowa 50309-4688  
<http://www.iowa.gov/ibpe>  
Telephone: (515) 281-5944 Facsimile: (515) 281-4609

**BOARD MEMBERS**  
SUSAN M. FREY, R. Ph.  
Villisca

JAMES MILLER, R. Ph.  
Dubuque

JUDITH M. TRUMPY  
Ames

EDWARD L. MAIER, R. Ph., Mapleton  
*Chairperson*

LLOYD K. JESSEN, R. Ph., JD., West Des Moines  
*Executive Director*

**BOARD MEMBERS**  
SHARON K. MEYER, Pharm. D.  
Urbandale

LADONNA GRATIAS  
Clive

EDWARD J. McKENNA, R. Ph.  
Storm Lake

**TELECONFERENCE MINUTES**  
**February 12, 2015**

The special meeting of the Iowa Board of Pharmacy was held on Thursday, February 12, 2015, at 10:00 a.m., via teleconference pursuant to the provisions of Iowa Code section 21.8. An in-person meeting was impractical due to the travel distances of members of the Board, the limited agenda, and the need for immediate action. Chairperson Maier called the meeting to order at 10:00 a.m.

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

Judith M. Trumpy

**STAFF PRESENT**

Lloyd Jessen, Executive Director  
Laura Steffensmeier, Esq., Assistant Attorney General  
Debbie Jorgenson, Administrative Assistant  
Becky Hall, Secretary

**I. Open Session.**

- A. Preliminary Notice of Intent to Deny Licensure Reconsideration – Sun Pharmaceuticals Industries, Inc., Cranbury, New Jersey.**

**Motion (Frey/McKenna) to rescind Preliminary Notice of Intent to Deny Licensure and reconsider Wholesale License Application. Roll call vote. Yes: Frey, Gratias,**

Maier, McKenna, Meyer, Miller; No: None; Abstain: None; Absent: Trumpy. Passed: 6-0-0-1.

II. Closed Session.

Motion (Frey/ McKenna) to go into closed session in accordance with Iowa Code Section 21.5(1)(a) to review records required by state or federal law to be kept confidential, such as medical, mental health, or substance abuse records relating to non-licensee disciplinary issues; and 21.5(1)(f) to discuss the decision to be rendered in a contested case. Roll call vote. Yes: Frey, Gratias, Maier, McKenna, Meyer, Miller; No: None; Abstain: None; Absent: Trumpy. Passed: 6-0-0-1.

III. Open Session.

Motion (McKenna/Miller) to go into open session. Roll call vote. Yes: Frey, Gratias, Maier, McKenna, Meyer, Miller; No: None; Abstain: None; Absent: Trumpy. Passed: 6-0-0-1.

In open session, the following actions were taken:

A. Settlement Agreement and Final Order.

Motion (Miller/Frey) to approve the Settlement Agreement and Final Order in the case of PCM Venture I LLC, Nonresident Pharmacy License No. 3677 of Sandy, Utah. Roll call vote. Yes: Frey, Gratias, Maier, McKenna, Meyer, Miller; No: None; Abstain: None; Absent: Trumpy. Passed: 6-0-0-1. A copy of the Settlement Agreement and Final Order is attached as Addendum A.

B. Stipulated Order for Reinstatement.

Motion (Frey/Miller) to approve the Stipulated Order for Reinstatement for Lance Forbes, DDS, CSA Registration No. 1418311 of Cedar Rapids. Roll call vote. Yes: Frey, Gratias, Maier, McKenna, Meyer, Miller; No: None; Abstain: None; Absent: Trumpy. Passed: 6-0-0-1. A copy of the Stipulated Order for Reinstatement is attached as Addendum B.

Assistant Attorney General Laura Steffensmeier left the room for Board deliberations.

IV. Closed Session.

Motion (Frey/ Miller) to go into closed session in accordance with Iowa Code

Section 21.5(1)(f) to discuss the decision to be rendered in a contested case for Matthew Biggerstaff's Application for Rehearing. Roll call vote. Yes: Frey, Gratias, Maier, McKenna, Meyer, Miller; No: None; Abstain: None; Absent: Trumpy. Passed: 6-0-0-1.

V. Open Session.

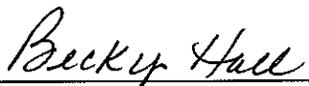
Motion (Gratias/Miller) to go into open session. Roll call vote. Yes: Frey, Gratias, Maier, McKenna, Meyer, Miller; No: None; Abstain: None; Absent: Trumpy. Passed: 6-0-0-1.

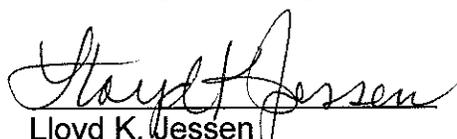
In open session, the following action was taken:

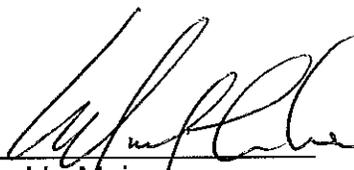
A. Petition for Rehearing

Motion (Frey/Gratias) to deny Application for Rehearing and For Stay of Restrictions for Matthew Biggerstaff, D.O., CSA Registration No. 1306092 of Ankeny. Roll call vote. Yes: Frey, Gratias, Maier, McKenna, Meyer, No: Miller; Abstain: None; Absent: Trumpy. Passed: 5-1-0-1. A copy of the Order Denying Respondent's Application For Rehearing and For Stay of Restrictions is attached as Addendum C.

Meeting adjourned at 10:45 a.m. on February 12, 2015.

  
Becky Hall  
Recording Secretary

  
Lloyd K. Jessen  
Executive Director

  
Edward L. Maier  
Board Chair

APPROVED THIS 10<sup>th</sup> DAY OF March, 2015.

**ADDENDUM A**

**SETTLEMENT AGREEMENT  
AND  
FINAL ORDER**

**PCM VENTURE I LLC  
NONRESIDENT PHARMACY LICENSE NO. 3677  
SANDY, UTAH**

**BEFORE THE IOWA BOARD OF PHARMACY**

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Re:	)	CASE NO. 2013-3677
Nonresident Pharmacy License of	)	
	)	<b>SETTLEMENT AGREEMENT AND</b>
<b>PCM VENTURE I LLC,</b>	)	<b>FINAL ORDER</b>
License No. 3677	)	
Respondent.	)	

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Pursuant to Iowa Code sections 17A.10 and 272C.3(4) (2013), the Iowa Board of Pharmacy ("Board") and PCM Venture I LLC, d/b/a KwikMed ("Respondent") enter into the following Settlement Agreement and Final Order ("Order") to settle a disciplinary proceeding currently 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:

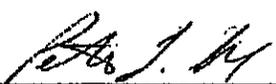
1. Respondent was issued Iowa nonresident pharmacy license number 3677, which is currently active and expires on December 31, 2015.
2. The Board has jurisdiction over the parties and the subject matter of these proceedings.
3. A Notice of Hearing and Statement of Charges was filed against Respondent on January 14, 2014. A contested case hearing in this matter is scheduled to begin January 28, 2015.
4. Respondent admits the allegations in the Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for discipline.
5. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to a hearing on the charges, but waives its right to hearing and all attendant rights, including the right to appeal, by freely and voluntarily agreeing to this Order. 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 it has a right to be represented by counsel on this matter.
8. The State's legal counsel may present this Order to the Board *ex parte*.
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. 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.
12. Respondent acknowledges that this Order may be reported to National Association of Boards of Pharmacy's Disciplinary Clearinghouse and the National Practitioner Data Bank, as applicable.
13. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.

**IT IS THEREFORE ORDERED:**

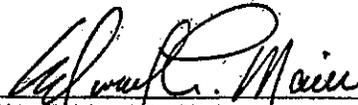
14. Respondent agrees to **VOLUNTARILY SURRENDER** its Iowa nonresident pharmacy license to resolve this matter.
15. This voluntary surrender, when accepted by the Board, has the same force and effect as an order of revocation under 657 IAC 36.15 for purposes of reinstatement. Reinstatement requests are governed by 657 IAC 36.13.
16. Respondent shall surrender its Iowa nonresident pharmacy license to the Board within ten (10) days of the Board's approval of this Order.
17. Respondent agrees not to perform any activities that would require an Iowa nonresident pharmacy license unless its license is reinstated.
18. Should Respondent violate the terms of this Settlement 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.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 22<sup>nd</sup> day of JANUARY, 2015.

  
 \_\_\_\_\_  
 PCM Venture I, LLC  
 Respondent

By this signature, Peter Ax acknowledges s/he is the Managing Member for PCM Venture I, LLC and is authorized to sign this Settlement Agreement and Final Order on behalf of PCM Venture I, LLC.

This Settlement Agreement and Final Order is accepted by the Iowa Board of Pharmacy on the  
12<sup>th</sup> day of February, 2015.



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

cc: Laura Steffensmeier  
Sara Scott  
Assistant Attorney Generals  
Hoover Building, 2<sup>nd</sup> Floor  
Des Moines, IA 50319  
ATTORNEYS FOR THE STATE

Kevin H. Marino  
Marino, Tortorella & Boyle, P.C.  
437 Southern Blvd.  
Chatham, NJ 07928-1488  
ATTORNEY FOR RESPONDENT

Thomas G. Crabb  
418 6<sup>th</sup> Avenue, #200  
Des Moines, IA 50309  
ATTORNEY FOR RESPONDENT

**ADDENDUM B**

**STIPULATED ORDER  
FOR REINSTATEMENT**

**LANCE FORBES, DDS  
CSA REGISTRATION NO. 1418311  
CEDAR RAPIDS, IOWA**

**BEFORE THE IOWA BOARD OF PHARMACY**

Re:	)	CASE NO. 2013-27
Controlled Substance Registration of	)	
	)	<b>STIPULATED ORDER FOR</b>
<b>LANCE FORBES, DDS</b>	)	<b>REINSTATEMENT</b>
Registration No. 1418311	)	
Respondent.	)	

**COME NOW**, the Iowa Board of Pharmacy ("Board") and Lance Forbes, DDS ("Respondent") and enter into this Stipulated Order for Reinstatement, stipulating the following:

1. On February 11, 2013, the Iowa Dental Board ("Dental Board") took emergency action against Respondent's dental license, ordering him to immediately cease and desist from prescribing, administering, or dispensing controlled substances.

2. The Board issued an Order to Show Cause on March 13, 2013, based on the action taken by the Dental Board. The Order to Show Cause was resolved without proceeding to hearing when Respondent voluntarily surrendered his controlled substance registration. The Board approved the voluntary surrender on August 28, 2013.

3. On January 22, 2015, the Dental Board approved a Settlement Agreement and Final Order that removed Respondent's restriction on prescribing controlled substances and placed his license on probation for a period of 5 years, subject to probationary terms and conditions.

4. Respondent contacted the Board to request reinstatement of his controlled substance registration based on the Settlement Agreement and Final Order approved by the Dental Board on January 22, 2015.

5. The basis for this Board's Order to Show Cause was the restriction on Respondent's prescribing ability imposed by his primary licensing board, the Dental Board. Because the Dental Board has now removed this restriction, the basis for the Order to Show Cause and subsequent surrender of Respondent's controlled substance registration no longer exists.

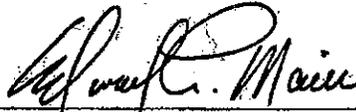
6. The parties believe it is in the interest of the public that Respondent's controlled substance registration be reinstated.

7. Upon Board approval of this Stipulated Order, Respondent's controlled substance registration no. 1418311 is hereby **REINSTATED**.

8. Respondent must submit a completed application for renewal of his controlled substance registration and pay the applicable biennial fee to return his registration to active status.

*Lance Forbes* 2/6/2015

IT IS SO ORDERED on this 12th day of February, 2015.



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EDWARD MAIER, Chairperson  
Iowa Board of Pharmacy

cc: **Laura Steffensmeier**  
**Assistant Attorney General**  
**Hoover Building, 2<sup>nd</sup> Floor**  
**Des Moines, IA 50319**  
**ATTORNEY FOR THE STATE**

**ADDENDUM C**

**ORDER DENYING RESPONDENT'S  
APPLICATION FOR REHEARING  
AND FOR STAY OF RESTRICTIONS**

**MATTHEW BIGGERSTAFF  
CSA REGISTRATION NO. 1306092  
ANKENY, IOWA**

**BEFORE THE IOWA BOARD OF PHARMACY**

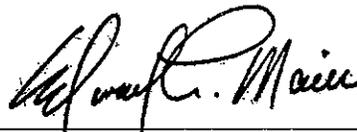
Re: )	Case No. 2013-195
Controlled Substance Registration of )	
<b>MATTHEW BIGGERSTAF</b> )	<b>ORDER DENYING RESPONDENT'S</b>
Registration Number 1306092 )	<b>APPLICATION FOR REHEARING</b>
Respondent. )	<b>AND FOR STAY OF RESTRICTIONS</b>

On February 12, 2015, the Iowa Board of Pharmacy met by teleconference and reviewed the following documents:

1. Respondent's Application for Rehearing and for Stay of Restrictions.
2. Respondent's Settlement Proposal.
3. The State's Resistance to Respondent's Application for Rehearing and for Stay of Restrictions.
4. Respondent's Reply to State's Resistance to Respondent's Application for Rehearing and for Stay of Restrictions.

After careful consideration, the Board voted to deny Respondent's Application for Rehearing and for Stay of Restrictions and Respondent's Settlement Proposal.

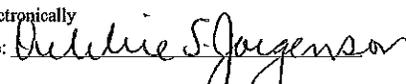
Dated this 12<sup>th</sup> day of February, 2015.



Edward L. Maier, Chairperson  
Iowa Board of Pharmacy

Copy to:

Mike Sellers  
Sellers, Haraldson, and Binford  
An Association of Sole Practitioners  
400 Locust Street, Suite 170  
Des Moines, IA 50309-2351

<b>Proof of Service</b>	
The undersigned certifies that the foregoing instrument was served upon each of the persons identified as receiving a copy by delivery in the following manner on the 12 <sup>th</sup> day of November, 2014.	
<input type="checkbox"/> U.S. Mail	<input type="checkbox"/> FAX
<input type="checkbox"/> Hand Delivery	<input type="checkbox"/> Overnight Courier
<input type="checkbox"/> Federal Express	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> Electronically	
Signature: 	

Laura Steffensmeier  
Assistant Attorney General  
Hoover Building, 2<sup>nd</sup> Floor  
Des Moines, IA 50319