

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	CASE NO. 2015-34
Nonresident Pharmacy License of)	
)	SETTLEMENT AGREEMENT
RXTRA SOLUTIONS)	AND FINAL ORDER
License No. 4203)	
Respondent.)	

Pursuant to Iowa Code sections 17A.12(5) and 272C.3(4) (2015), and 657 IAC 36.6, the Iowa Board of Pharmacy ("Board") and Rxtra Solutions ("Respondent") enter into the following Settlement Agreement and Final Order ("Order") to settle a contested case currently pending before the Board.

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

1. The Board filed a Notice of Hearing and Statement of Charges on April 29, 2015.
2. The Board has jurisdiction over the parties and the subject matter of these proceedings.
3. Respondent now does business under the name "Creams 'N Caps". A hearing regarding the Notice of Intent to Deny Licensure to Creams 'N Caps is currently scheduled for September 1, 2015.
4. Respondent does not admit the allegations in the Statement of Charges. Respondent does, however, acknowledge 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 Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.
6. Respondent acknowledges that it has the right to be represented by counsel on this matter.
7. 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.
8. This Order is subject to approval by a majority of the full Board. If the Board does not approve this Order, it shall be of no force or effect to either party, and shall not be admissible for any purpose in further proceedings in this matter. If the Board approves this Order, it shall be the full and final resolution of this matter.

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

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

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

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 agrees to **VOLUNTARILY SURRENDER** its Iowa nonresident pharmacy license and to withdraw its request for hearing regarding the Notice of Intent to Deny Licensure to Creams 'N Caps, which will result in the denial of such application, 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. Respondent agrees not to perform any activities that would require an Iowa nonresident pharmacy license unless its license is reinstated.

16. Respondent shall return its Iowa nonresident pharmacy license to the Board on or before October 1, 2015, but in any event within thirty (30) days of this Order.

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

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 28th day of August, 2015.


EXTRA SOLUTIONS, now d/b/a
CREAMS 'N CAPS
Respondent

By this signature, WISAM ALAWIEM acknowledges s/he is the principal for Rxtra Solutions, now d/b/a Creams 'N Caps, and is authorized to sign this Settlement Agreement and Final Order on behalf of Rxtra Solutions, now d/b/a Creams 'N Caps.

This Settlement Agreement and Final Order is approved by the Iowa Board of Pharmacy on the 31st day of August, 2015.



Chairperson
Iowa Board of Pharmacy

Copy to:

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