BEFORE THE IOWA BOARD OF PHARMACY

Re:	)	Case Nos. 2015-81
Pharmacy License of	)	
REMEDIES, INC.	)	**STATEMENT OF CHARGES**
License No. 611	)	**& NOTICE OF HEARING**
Respondent.	)	

COMES NOW the Iowa Board of Pharmacy (Board) and files this Notice of Hearing and Statement of Charges pursuant to Iowa Code sections 17A.12(2) and 17A.18(3) (2015). Respondent was issued Iowa license 611. Respondent's license is currently active.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on January 12, 2016, before the Iowa Board of Pharmacy. 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 prehearing matters, and be present to assist and advise the board at hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 657 Iowa Administrative Code rule 35.19. At hearing you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally or be represented by counsel at your own expense. The hearing may be open to the public or closed to the public at your discretion.

Prosecution. The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address.

Meghan Gavin
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor Hoover State Office Building
Des Moines, Iowa 50319.

Ms. Gavin can also be reached by phone at (515)281-6736 or e-mail at Meghan.Gavin@iowa.gov.

Communications. You may contact the Board office (515)281-5944 with questions regarding this notice and other matters relating to these disciplinary proceedings. However, you

may NOT contact individual members of the Board to discuss these proceedings by phone, letter, facsimile, email, or in person. Board members can only receive information about the case when all parties have notice and an 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. You may also direct questions relating to settlement of these proceedings to Assistance Attorney General Meghan Gavin at (515)281-6736.

B. LEGAL AUTHORITY AND JURISDICTION

Jurisdiction. The Board has jurisdiction over this matter pursuant to Iowa Code chapters 17A, 147, 155A, and 272C.

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 17A, 147, 155A, and 272C and 657 Iowa Administrative Code chapter 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 Iowa Administrative Code rule 35.21.

C. CHARGES

Count I
ENGAGING IN UNETHICAL CONDUCT

Respondent is charged with engaging in unethical conduct in violation of Iowa Code sections 147.55(3) and 155A.15(2)(*c*) and 657 Iowa Administrative Code rules 8.3(1)[1], 8.11, 19.3, and 36.1(4)(*c*),(*u*).

Count II
DISPENSING A SCHEDULE II CONTROLLED SUBSTANCE PURSUANT TO A FACSIMILE

Respondent is charged with dispensing a schedule II controlled substance pursuant to a facsimile in violation of Iowa Code sections 147.55(9) and 155A.15(2)(*c*) and 657 Iowa Administrative Code rules 8.3(1), 10.27(1), 21.12, and 36.1(4)(*u*).

D. FACTUAL CIRCUMSTANCES

1. Respondent is an Iowa-licensed pharmacy with its principle place of business at 936 First St., NE, Sibley, Iowa 51249.

2. Between March 17, 2013 and August 11, 2014, Remedies submitted 19 claims to Iowa Medicaid for Dexedrine 10 mg capsules. Dexedrine is a Schedule II, non-narcotic, name brand medication.

[1] Effective May 20, 2015, this rule was renumbered to rule 8.3(2).

3. An ARCOS (Automation of Reports and Consolidated Orders System) report for Remedies shows that the pharmacy purchased Dexedrine on three occasions during this same time period.

4. An ARCOS reports for Remedies shows that the pharmacy purchased the generic version of Dexedrine—d-amphetamine sulfate dibasic 10mg SR—on 13 occasions during this same time period.

5. While Iowa Medicaid was billed for Dexedrine on 19 occasions, prescription hard-copy labels show that the generic medication was dispensed on 16 of the 19 occassions.

6. Remedies' processing software, Speedscript, confirms this discrepancy.

7. The total payment to Remedies for these 16 claims was $38,559.97. The payment to Remedies for the product actually dispensed should have been approximately $16,118.75.

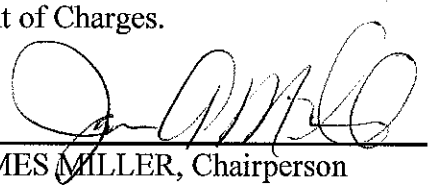
8. On one occasion, the Respondent filled one of these Dexedrine prescriptions pursuant to a fax transmission without obtaining the hard-copy prescription.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 657 Iowa Administrative Code rule 36.6. If you are interested in pursuing settlement of this matter, please contact Assistant Attorney General Meghan Gavin.

F. PROBABLE CAUSE FINDING

On this the ~~3rd~~ 4th day of November, 2015, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.



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

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