

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  
EDWARD MAIER

JAMES MILLER

*Board Chair*

ANDREW FUNK

*Executive Director*

**BOARD MEMBERS**

JASON HANSEL  
KAY JESSEN  
SHARON MEYER

**MINUTES**

**May 3-4, 2016**

The Iowa Board of Pharmacy met on May 3-4, 2016, in the conference room at 400 SW Eighth Street, Des Moines, Iowa.

**TUESDAY, MAY 3, 2016**

**MEMBERS PRESENT**

James Miller, Chairperson  
LaDonna Gratias  
Jason Hansel  
Kay Jessen  
Edward J. McKenna

**MEMBERS ABSENT**

Sharon K. Meyer, Vice-Chair  
Edward L. Maier

**STAFF PRESENT**

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

**Call to Order & Announcements**

At 9:00 a.m., James Miller, Chairperson called the meeting of the Iowa Board of Pharmacy to order on Tuesday, May 3, 2016.

**Motion To Continue Hearing**

2015-201, Courtney House, Pharmacy Technician Registration No. 16152, Hedrick.

Motion by Jason Hansel, seconded by Edward McKenna to approve Motion to Continue Hearing for case 2015-201, Courtney House. Motion approved unanimously.

**Closed Session**

At 9:11 a.m., on a motion by Jason Hansel, seconded by Edward McKenna, 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; pursuant to Iowa Code section 21.5(1)(d), to discuss whether to initiate licensee disciplinary investigations or proceedings; and pursuant to Iowa Code section 21.5(1)(f), to discuss the decision to be rendered in a contested case conducted according to the provisions of Chapter 17A.

At 11:19 a.m., while still in closed session, Edward McKenna, moved that the Board go into open session, seconded by Jason Hansel. Motion approved unanimously.

In open session the following actions were taken:

1. Closed Session Deliberations.

Motion by Edward McKenna, seconded by LaDonna Gratias, to approve the Closed Session Deliberations of the March 8, 2016, meeting. Motion approved unanimously.

2. Closed Session Minutes.

Motion by Jason Hansel, seconded by Edward McKenna, to approve the Closed Session Minutes of the March 8-9, 2016, meeting. Motion approved unanimously.

3. Close With No Further Action.

Motion by LaDonna Gratias, seconded by Edward McKenna, to close with no further action the following investigative files in complaint numbers: 2013-58, 2013-182, 2016-31, 2016-22, 2015-196, 2016-53, 2016-33, 2016-48, 2016-12, and 2016-29. Motion approved unanimously.

4. Settlement Agreement and Final Order.

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

- A. 2015-72, Lisa A. Gray, Pharmacist License No. 18401 of Ankeny. A copy of the Settlement Agreement and Final Order is attached as Addendum A.
- B. 2015-123, Rockford Anderson, Pharmacist License No. 20335 of Ankeny. A copy of the Settlement Agreement and Final Order is attached as Addendum B.
- C. 2015-123, Ankeny Pharmacy, Pharmacy License No. 1475 of Ankeny. A copy of the Settlement Agreement and Final Order is attached as Addendum C.
- D. 2015-161, Angela Buckland, Pharmacy Technician Trainee Registration No. 22004 of Wilton. A copy of the Settlement Agreement and Final Order is attached as Addendum D.
- E. 2015-163, Alpine Wellness, Inc., Wholesale Drug License No. 7778 of Urbandale. A copy of the Settlement Agreement and Final Order is attached as Addendum E.

5. Order to Show Cause.

Motion by Jason Hansel, seconded by Edward McKenna, to approve the Order to Show Cause for Melanie Howard, ARNP, Controlled Substance Registration No. 5203144 of Des Moines. Motion approved unanimously. A copy of the Order to Show Cause is attached as Addendum F.

6. Notice of Hearing and Statement of Charges.

Motion by LaDonna Gratias, seconded by Edward Maier, to approve the Notice of Hearing and Statement of Charges in the following cases. Motion approved unanimously.

- A. 2015-66, Wendell Simmonds, Pharmacist License No. 14823 of Sioux City. A copy of the Notice of Hearing and Statement of Charges is attached as Addendum G.
- B. 2015-184, Greenville Pharmacy, Pharmacy License No. 667 of Sioux City. A copy of the Notice of Hearing and Statement of Charges is attached as Addendum H.
- C. 2015-184, Robert P. Rehal, Pharmacist License No. 17478 of Sioux City. A copy of the Notice of Hearing and Statement of Charges is attached as Addendum I.
- D. 2015-212, Edita Husic, Pharmacy Technician Trainee No. 12945 of West Des Moines. See item A, Combined Statement of Charges, Settlement Agreement, and Final Order on page 5.

7. Draft Statement of Charges.

Motion by Edward McKenna, seconded by LaDonna Gratias, to draft Statement of Charges against the pharmacy in 2015-221, pharmacy support person in 2016-20, and pharmacy, pharmacist in charge and numerous technicians in 2016-57. Motion approved unanimously.

8. Letter of Education.

Motion by Edward McKenna, seconded by LaDonna Gratias, to issue a Letter of Education to the pharmacist in charge in 2015-156, CSA registrant in 2016-35, and technician in 2016-28. Motion approved unanimously.

9. Draft Order to Show Cause.

Motion by Edward McKenna, seconded by LaDonna Gratias, to draft an Order to Show Cause against the CSA Registrant in 2015-206. Motion approved unanimously.

10. Administrative Warning.

Motion by Edward McKenna, seconded by Jason Hansel, to issue an Administrative Warning to the pharmacy and pharmacist in 2016-28. Motion approved unanimously.

11. Referral.

Motion by Jason Hansel, seconded by Edward McKenna, to refer case 2016-22, to the Board of Nursing, and case 2015-206, to the Iowa Board of Veterinary Medicine, Texas Board of Veterinary Medicine, and Drug Enforcement Agency. Motion approved unanimously.

Meghan Gavin, Laura Steffensmeier, and Compliance Officers left the room.

**Closed Session**

At 11:25 a.m., on a motion by Jason Hansel, seconded by Edward McKenna, the Board voted unanimously by roll call vote to move into closed session pursuant to Iowa Code § 21.5(1)(f) to discuss the decision to be rendered in a contested case conducted according to the provisions of Chapter 17A.

At 11:28 a.m., while still in closed session, Edward McKenna moved that the Board go into open session, seconded by Jason Hansel. Motion approved unanimously.

In open session, the following action was taken:

Motion by Jason Hansel, seconded by Edward McKenna, to approve the Findings of Fact, Conclusions of Law, Decision and Order in the case of Justin Adam, Pharmacy Technician Registration No. 12376 of Sioux City. Motion approved unanimously. A copy of the Findings of Fact, Conclusions of Law, Decision and Order is attached as Addendum J.

**Petition to Vacate**

2015-25, Inie Clement, Pharmacist License No. 16963, Des Moines.

Motion by Jason Hansel, seconded by Edward McKenna, to approve Petition to Vacate for case 2015-25, Inie Clement. Motion approved unanimously.

Motion by Jason Hansel, seconded by Edward McKenna, to direct Administrative Law Judge Lockard to draft the Order for case 2015-25, Inie Clement. Motion approved unanimously. A copy of the Order Granting Petition to Vacate is attached as Addendum K.

**Administrative Hearing**

2015-100, Minnesota Independent Coop Inc., Wholesaler License No. 6764, Egan, Minnesota.

At 1:05 p.m., Laura Lockard, Administrative Law Judge, Department of Inspections and Appeals opened the record. Assistant Attorney General Laura Steffensmeier represented the State. Minnesota Independent Coop Inc., did not appear nor did counsel represent them. The session was conducted in the presence of the Board and open to the public.

The Board heard testimony of a witness and examined exhibits.

At 1:19 p.m., the record was closed.

At 1:20 p.m., motion by Jason Hansel, 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 1:23 p.m., while still in closed session, Edward McKenna moved that the Board go into open session, seconded by LaDonna Gratias. Motion approved unanimously.

Motion by Jason Hansel, seconded by Edward McKenna, to direct Administrative Law Judge Lockard to draft the Order consistent with the Board's deliberation for case 2015-100, Minnesota Independent Coop Inc. Motion approved unanimously.

**Closed Session**

At 1:39 p.m., on a motion by Jason Hansel, seconded by Edward McKenna, 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; pursuant to Iowa Code section 21.5(1)(d), to discuss whether to initiate licensee disciplinary investigations or proceedings; and pursuant to Iowa Code section 21.5(1)(f), to discuss the decision to be rendered in a contested case conducted according to the provisions of Chapter 17A.

At 1:41 p.m., while still in closed session, LaDonna Gratias, moved that the Board go into open session, seconded by Edward McKenna. Motion approved unanimously.

In open session, the following actions were taken:

**A. Combined Statement of Charges, Settlement Agreement, and Final Order.**

Motion by Edward McKenna, seconded by LaDonna Gratias, to withdraw the previous motion to approve the Notice of Hearing and Statement of Charges, and approve the new Combined Statement of Charges, Settlement Agreement, and Final Order for Edita Husic, Pharmacy Technician Registration No. 12945 of West Des Moines. Motion approved unanimously. A copy of the Combined Statement of Charges, Settlement Agreement, and Final Order is attached as Addendum L.

**B. Notice of Hearing and Statement of Charges.**

Motion by Jason Hansel, seconded by Edward McKenna, to approve the Notice of Hearing and Statement of Charges for Amy Hanen, Pharmacy Technician Registration No. 16724 of Dubuque. Motion approved unanimously. A copy of the Notice of Hearing and Statement of Charges is attached as Addendum M.

**C. Notice of Hearing and Statement of Charges.**

Motion by LaDonna Gratias, seconded by Edward McKenna to approve the Notice of Hearing and Statement of Charges for Michael Stein, Pharmacist License No. 17382 of Iowa City, and Pharmacy Matters LTC, Pharmacy License No. 1449 of Iowa City. Motion approved unanimously. Copies of the Notice of Hearing and Statement of Charges are attached as Addendum N (Stein) and Addendum O (Pharmacy Matters, LTC.)

At 1:43 p.m. the Board recessed.

The meeting reconvened in open session on Wednesday, May 4, 2016, at 9:00 a.m.

**WEDNESDAY, MAY 4, 2016**

**MEMBERS PRESENT**

James Miller, Chairperson  
LaDonna Gratias  
Jason Hansel  
Kay Jessen  
Edward L. Maier (by telephone)  
Edward J. McKenna

**STAFF PRESENT**

Andrew Funk, Executive Director  
Meghan Gavin, Esq., Assistant Attorney General  
Laura Steffensmeier, Esq., Assistant Attorney  
General  
Therese Witkowski, Executive Officer  
Debbie Jorgenson, Administrative Assistant  
Becky Hall, Secretary

**MEMBERS ABSENT**

Sharon K. Meyer, Vice-Chair

**SPEAKERS**

Bob Files, PharMerica  
Steve S., PharMerica  
Anthony Pudlo, IPA  
Steve Sanders, Unity Point Health Lutheran  
Greg Young, Mercy Des Moines  
Adam Felber, George C. Grape Comm. Hospital  
Mathew Porepp, Van Buren Co. Hospital  
Dennis Kitzman, Allen Memorial Hospital  
Barry Westbrook, Grundy Co. Memorial Hosp.  
George Papineau, Grinnell Reg. Medical Center  
Brett Barker, NuCara  
Mindi Jorgenson, Pella Regional Health Center  
Megan Myers, IPA  
Mike Andreski, Drake  
Rajbir Singh Sandar, United Kingdom

Curt Gerhold, Compliance Officer  
Mark Mather, Compliance Officer  
Sue Mears, Compliance Officer  
Jennifer O'Toole, Compliance Officer  
Jean Rhodes, Compliance Officer  
Jennifer Tiffany, Compliance Officer  
Jim Wolfe, Compliance Officer

**Call to Order and Announcements**

At 9:00 a.m., James Miller, Chairperson, called the meeting of the Iowa Board of Pharmacy to order on Wednesday, May 4, 2016.

**Public Comments**

No public comments

**Election of Officers**

Motion by Jason Hansel, seconded by Edward McKenna, to nominate James Miller for Chair. Motion approved unanimously.

Motion by Jason Hansel, seconded by LaDonna Gratias, to nominate Sharon Meyer for Vice-Chair. Motion approved unanimously.

**Approval of Minutes**

The minutes of the March 8-9, 2016, meeting were reviewed.

Motion by Edward McKenna, seconded by LaDonna Gratias, to approve the open session minutes of the March 8-9, 2016, meeting as presented. Motion approved unanimously.

**Reports**

1. Executive Director's Report -

**Meetings and Travel**

- A. Debbie Jorgenson represented the Board of Pharmacy at the 2016 Federation of State Medical Boards in San Diego, California, on April 29, 2016, taking part in a panel discussion regarding communication and the use of social media by regulatory agencies.
- B. Terry Witkowski provided a presentation on the Prescription Monitoring Program to the Iowa Osteopathic Medical Association on April 29, 2016.
- C. The Compliance Officers have been meeting with hospital directors across the state to educate them on the requirements of USP 797.
- D. The next Rules Committee Meeting will be held at the board office on Tuesday, May 10, 2016.
- E. NABP's 112<sup>th</sup> Annual Meeting will be held on May 14-17, 2016, in San Diego, California. James Miller, Sharon Meyer, Jason Hansel and Andrew Funk plan to attend the meeting.
- F. The Iowa Pharmacy Association's (IPA) Annual Meeting will be held in West Des Moines on June 17-18, 2016.
- G. The Iowa Board of Pharmacy will hold a one-day strategic planning meeting on June 28, 2016, from 10:00 a.m. to 4:00 p.m., at the Valley Community Center in West Des Moines. Mike Burleson, former executive from the Kentucky Board of Pharmacy will facilitate the meeting.
- H. The June board meeting is scheduled for June 29-30, 2016, in Des Moines at the board office.
- I. Jean Rhodes will be attending NABP's Critical Point's Sterile Compounding Inspector Certification Training in New Jersey, on July 19-21, 2016.
- J. 2016 NABP/AACP District 5 Annual Meeting will be held in Lincoln, Nebraska, on August 4-6, 2016. Sharon Meyer, Jim Wolfe, Curt Gerhold, and Andrew Funk plan to attend the meeting.
- K. 2017 NABP/AACP District 5 Annual Meeting - the Iowa Board of Pharmacy will be hosting the meeting. The meeting will be held in August of 2017.

**Update**

Pharmacy Benefit Managers (PBM) rules will go into effect July 1, 2016. PBMs shall identify how and where pharmacies may find the names and services the PBM has used to obtain pricing data. The list shall be made available to pharmacies through a readily accessible and easily usable online format.

**Office/Program Updates**

- A. Office/Program Updates.
  - 1. Program Planner – Andrew Funk and Terry Witkowski continue to work on designing and assigning job duties for this position.

2. Compliance Officer – Dan Sedlacek, from Spirit Lake has been hired as a compliance officer. Mr. Sedlacek’s first day will be July 6, 2016. His position will be assigned to the northwestern counties in Iowa.
  3. In-Office Compliance Officer – this position will be based out of the board office. Compliance staff have expressed interest in shifting their duties to fill this position.
  4. Database Update - the Office of the Chief Information Officer (OCIO) has approved the request to initiate the Database Replacement Project. The next step is to complete a project charter and permission to execute, and if approved by OCIO, then proceed to the RFP process.
  5. Iowa Monitoring Program for Pharmacy Professionals (IMP3).

The Iowa Board of Pharmacy will work collaboratively with the Board of Medicine to manage IMP3. A committee is currently being formed. The program was formally known as the Iowa Pharmacy Recovery Network (IPRN).
  6. The Iowa Board of Pharmacy has been approved to be a rotation site for Drake and University of Iowa P4 pharmacy students, beginning 2017-2018 school year.
2. 2017 Proposed Board Calendar.

The 2017 proposed Board calendar was presented for review and discussion.
  3. Iowa GovDelivery.

The Iowa GovDelivery was initiated to assist the Board and board staff to communicate more effectively with licensees, registrants and the public. The Iowa GovDelivery network is managed by OCIO and includes all state agencies using GovDelivery, allowing cross agency promotion and allowing subscribers access to additional subscriptions.
  4. Baum Harmon Mercy Hospital Quarterly Waiver Reports for 2015, and 1<sup>st</sup> Quarter 2016.

Baum Harmon Mercy Hospital provided their Quarterly Waiver Reports for 2015, and their 1<sup>st</sup> Quarter Waiver Report for 2016, for review.
  5. Zearing Telepharmacy 2015, 4<sup>th</sup> Quarter Report.

NuCara Telepharmacy provided their 4<sup>th</sup> Quarter Telepharmacy Report for 2015, for review.
  6. Drug Poisoning Death Rate per 100,000 by County, 2010-2014.

Informational item.
  7. False and Misleading Training – Containment Technologies Group, Inc.

Informational item.
  8. North Carolina State Board of Dental Examiners v. FTC/Antitrust Activities.

Information from the National Association of Boards of Pharmacy regarding the North Carolina State Board of Dental Examiners v FTC/Antitrust Activities was provided for review. Assistant Attorney Generals Meghan Gavin and Laura Steffensmeier will continue to inform the Board of antitrust issues that arise.

9. Fact Sheet: Obama Administration Announces Additional Actions to Address the Prescription Opioid Abuse and Heroin Epidemic.

Informational item.

10. Ernst, Grassley Call for Review of Regulatory Barriers Iowa Pharmacies Face in Federal Drug Take Back Program.

Informational item.

11. State Center 1<sup>st</sup> Quarter 2016 Telepharmacy Report.

State Center Telepharmacy provided their 1<sup>st</sup> Quarter Telepharmacy Report for 2016, for review.

12. Allen Hospital 1<sup>st</sup> Quarter 2016 Tech-Check-Tech Report.

Allen Hospital provided their 1<sup>st</sup> Quarter Tech-Check-Tech Report for 2016, for review.

13. RxNow – Robert E. Files, PharMerica.

Robert Files and Steve S. provided a presentation on RxNow. PharMerica's RxNow Electronic E-Kit is a medication system that provides immediate access to medications to satisfy emergencies, new admissions, and time sensitive first dose situations for residential health care facilities.

The Board took no formal action on this item.

### **Requests**

1. Request for Waiver – 657 I.A.C. 8.34 Hospital Practice Protocol – Craig Logemann, Unity Point.

Motion by Jason Hansel, seconded by Edward McKenna, to deny the request for waiver. Motion approved unanimously.

2. Request for Waiver - 657 I.A.C. 20 Compounding – LaPorte Pharmacy, LaPorte City, Request for Waiver – 657 I.A.C. 20 Compounding – Jesup Pharmacy, Jesup, and Request for Waiver – 657 I.A.C. 20 Compounding – Covenant Family Pharmacy, Waterloo.

Motion by Jason Hansel, seconded by Edward Maier, to deny the requests for waiver. Motion approved unanimously.

3. Request for Waiver – 657 I.A.C. 20 Compounding – University of Iowa Community Homecare, Iowa City.

Motion by Edward Maier, seconded by Jason Hansel, to deny the request for waiver. Motion approved unanimously.

4. Request for Waiver – 657 I.A.C. 20 Compounding – Keokuk Area Hospital, Keokuk.

Motion by Edward Maier, seconded by Jason Hansel, to approve the request for waiver through September 30, 2016. Motion approved unanimously.

5. Request for Waiver – 657 I.A.C. 20.4 Sterile Compounding - Iowa Lutheran Hospital Pharmacy, Des Moines.

Motion by Jason Hansel, seconded by Kay Jessen, to approve the request for waiver through August 31, 2016. Motion approved unanimously.

6. Request for Waiver – 657 I.A.C. 20.4 Sterile Compounding – Mercy Medical Center, Sioux City.

Motion by Edward Maier, seconded by Edward McKenna, to approve the waiver request through September 30, 2016. Motion approved unanimously.

7. Request for Waiver – 657 I.A.C. 20.4 Sterile Compounding – Mercy Medical Center, Des Moines.

Motion by Edward Maier, seconded by LaDonna Gratias, to approve the request for waiver through August 31, 2016. Motion approved unanimously.

8. Request for Waiver – 657 I.A.C. 20.4 Sterile Compounding – George C. Grape Community Hospital, Hamburg.

Motion by Edward McKenna, seconded by Edward Maier, to approve the request for waiver for six months with the recommendation from Compliance Officer Jean Rhodes to monitor their ISO Class 7 room more closely. Motion approved unanimously.

9. Request for Waiver – 657 I.A.C. 20.4 Sterile Compounding – CHI Health Mercy, Corning.

Motion by Edward Maier, seconded by Jason Hansel, to approve the request for waiver through June 30, 2016, and extend an invitation to CHI Health Mercy inviting a representative to attend the June 30, 2016, board meeting to address questions the Board has regarding their request. Motion approved unanimously.

10. Request for Waiver – 657 I.A.C. 20.4 Sterile Compounding – Van Buren County Memorial Hospital, Keosauqua.

Motion by Edward Maier, seconded by Jason Hansel, to deny the request for waiver, and extend an invitation to Van Buren County Memorial Hospital inviting a representative to attend the June 30, 2016, board meeting to address questions the Board has regarding their request, and require they provide a progress report. Motion approved unanimously.

11. Request for Waiver – 657 I.A.C. 20.4 Sterile Compounding – Allen Memorial Hospital Pharmacy, Waterloo.

Motion by Edward Maier, seconded by Edward McKenna, to approve the request for waiver through June 30, 2016, and extend an invitation to Allen Memorial Hospital inviting a representative to attend the June 30, 2016, board meeting to address questions the Board has regarding their request. Motion approved unanimously.

12. Request for Waiver – 657 I.A.C. 20.4 Sterile Compounding – Grundy County Memorial Hospital – UnityPoint Health, Grundy Center.

Motion by Edward McKenna, seconded by Edward Maier, to deny the request for waiver. Motion approved unanimously.

13. Request for Waiver – 657 I.A.C. 20.4 Sterile Compounding – Lucas County Health Center, Chariton.

Motion by Edward Maier, seconded by LaDonna Gratias, to deny the request for waiver. Motion approved unanimously.

14. Request for Waiver – 657 I.A.C. 20.4 Sterile Compounding and 20.5 Delayed Compliance – Grinnell Regional Medical Center.

The Board agreed the entire request for waiver was not necessary. Mr. Papineau withdrew the portion of the waiver request pertaining to the facility design and environmental controls.

Motion by LaDonna Gratias, seconded by Edward Maier, to approve for two months the portion of the waiver request pertaining to personnel training for staff. Motion approved unanimously.

15. Request for Waiver – 657 I.A.C. 20.5 Delayed Compliance – Jefferson County Health Center Pharmacy.

Motion by Edward McKenna, seconded by LaDonna Gratias, to deny the request for waiver. Motion approved unanimously.

16. Request for Waiver – 657 I.A.C. 6.16 Records and 8.9 Records – Nanette Meeker, Central City.

Motion by Edward McKenna, seconded by LaDonna Gratias, to grant the request for waiver for five years. Motion approved unanimously.

17. Request for Waiver – 657 I.A.C. 7.8(8) Drug Distribution and Control – Mercy Medical Center North Iowa.

Motion by Edward Maier, seconded by Jason Hansel, to approve the request for waiver for one year and provide quarterly reports for Board review. Motion approved unanimously.

18. Pilot Project and Waiver Petition Renewal – Zearing Pharmacy Pilot Project and AMDS Requirement of the Telepharmacy Rules.

Motion by Edward Maier, seconded by Jason Hansel, to approve the waiver renewal request for one year. Motion approved unanimously.

19. Tech-Check-Tech Program – Pella Regional Health Center.

Motion by Jason Hansel, seconded by Edward McKenna, to approve the request for a Tech-Check-Tech Program. Motion approved unanimously.

20. A Pharmacy Pilot or Demonstration Research Project for a New Practice Model for Community Pharmacy - Megan Myers and Anthony Pudlo, Iowa Pharmacy Association; and Michael Andreski, Drake.

Proposals for Phase Three and Phase Four of the New Practice Model were provided for review and discussion.

The Board took no formal action on these items.

21. Request for Internship Credit for Life Experience – Rajbir Singh Sandhar, United Kingdom.

Motion by Jason Hansel, seconded by Edward McKenna, to grant 1,000 hours of internship in lieu of life experience requiring Mr. Sandhar to complete an additional 500 hours of internship. Motion approved unanimously.

**Petition for Declaratory Order Filed by Diane Heiken**

A Petition for Declaratory Order was filed by Diane Heiken as to the applicability of provisions of Iowa Code, Administrative Code, and the Iowa Constitution as they relate to the confidentiality of documents published on the Iowa Board of Pharmacy website. Ms. Heiken appeared before the Board and was represented by Nick Peterson. The session was conducted in the presence of the Board and open to the public. Meghan Gavin represented the state.

Motion by, Edward Maier, seconded by Kay Jessen to decline the Petition for Declaratory Order. Motion approved unanimously.

Motion by Jason Hansel, seconded by LaDonna Gratiyas, that documents related to this case are not confidential under Iowa Law and are considered public documents. Motion approved unanimously.

Motion by Edward Maier, seconded by Edward McKenna, to remove the documents related to this case from the board's website. Motion approved unanimously.

**Requests**

1. Request to Live Stream Board Meetings.

Debbie Jorgenson will do further research regarding the feasibility of live streaming board meetings.

2. Request for Waiver – 657 I.A. C. 20.4 Sterile Compounding – Marengo Memorial Hospital.

Motion by Edward Maier, seconded by Jason Hansel, to deny the request for waiver. Motion approved unanimously.

**Closed Session**

At 2:02 p.m., motion by Jason Hansel, seconded by Edward McKenna, the Board voted unanimously by roll call vote to move into closed session for the following reason.

For requests 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 under Iowa Code section 272C.6 and 22.7(2).

At 2:11 p.m., while still in closed session, LaDonna Gratiyas, moved that the Board go into open session, seconded by Edward McKenna. Motion approved unanimously.

Motion by Edward McKenna, seconded by Jason Hansel, to authorize Adel Alnakhli to take the NAPLEX Examination one additional time with a deadline of September 30, 2016, and grant an extension of his internship hours through September 30, 2016. Motion approved unanimously.

**Rules and Legislation**

1. Proposed Adoption and Filing Chapter 20, Pharmacy Compounding Practices.

Motion by Edward McKenna, seconded by Edward Maier, to approve for Adoption and Filing. Motion approved. Absent: Gratias. A copy is attached as Addendum P.

2. Legislative Update.

- A. Senate File 2214 is a bill for an Act relating to the dispensing of additional quantities of a prescription within the limitations of the prescriptions. The Rules Committee will be reviewing this bill for rulemaking.
- B. Senate File 2218 is a bill for an Act relating to the possession and administration of the emergency drug Naloxon, making the drug available to first responders and other persons in a position to assist for purposes of treating drug overdose victims. If the amendment is signed by the Governor it would expand access to a drug that can help revive those who have overdosed on opioids.
- C. Senate File 2102 is a bill for an Act relating to access of the Prescription Monitoring Program (PMP) administered by the Board of Pharmacy allowing the Board to implement technological improvements to facilitate secure access to the program through electronic health and pharmacy information systems. The bill has been signed by the Governor and will go into effect July 1, 2016.
- D. House File 2449 is a bill requiring that state agencies commence rulemaking, as deemed necessary in a timely fashion. Agencies must submit a Notice of Intended Action no later than 180 days to the Governor's office.
- E. Senate File 453 is bill for an Act relating to the Board of Pharmacy, including nonresident pharmacy and outsourcing facility licensure, pharmacist supervision of pharmacy technicians, and enforcement authority. The bill has been signed by the Governor and will go into effect July 1, 2016.

3. Five-Year Review Status.

Reminder for board members and compliance officers to continue reviewing the board chapters they were assigned.

**Licensure/Registrations**

1. Josh McInay, Missouri Valley – Application for Pharmacy Technician Trainee Registration.

Motion by Edward McKenna, seconded by Jason Hansel, to approve the Application for Pharmacy Technician Trainee Registration by Consent Order with one year probation, with the terms of probation being, completing the criminal requirements and paying fine. Motion approved unanimously.

2. Beau Tonsignant, Urbandale – Initial Pharmacy Support Person Registration Application.

Motion by Edward Maier, seconded by Edward McKenna, to deny the Initial Pharmacy Support Person Registration Application. Motion approved unanimously.

3. Evan DeZwaan, West Des Moines - Initial Pharmacy Support Person Registration Application.

Motion by Edward McKenna, seconded by LaDonna Gratiias, to deny the Initial Pharmacy Support Person Registration Application. Motion approved unanimously.

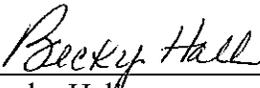
- 4. Pharmaceutical Care Solution, Inc., Ann Arbor, Michigan - Application for Nonresident Iowa Pharmacy License.

Motion by Jason Hansel, seconded by Kay Jessen, to approve the Application for Nonresident Iowa Pharmacy License. Motion approved unanimously.

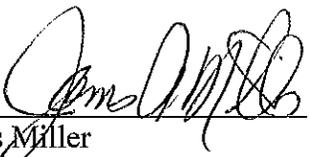
- 5. Walgreens Specialty Pharmacy, LLC, Beaverton, Oregon - Application for Nonresident Iowa Pharmacy License.

Motion by Edward Maier, seconded by LaDonna Gratiias, to approve the Application for Nonresident Iowa Pharmacy License. Motion approved unanimously.

Motion by Edward McKenna, seconded by Jason Hansel, to adjourn at 2:45 p.m. on May 4, 2016.

  
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Becky Hall  
Recording Secretary

\_\_\_\_\_  
Andrew Funk  
Executive Director

  
\_\_\_\_\_  
James Miller  
Board Chair

APPROVED THIS 30<sup>th</sup> DAY OF June, 2016.

**ADDENDUM A**  
**SETTLEMENT AGREEMENT AND FINAL ORDER**

**LISA A. GRAY**  
**PHARMACIST LICENSE NO. 18401**  
**ANKENY, IOWA**

**BEFORE THE IOWA BOARD OF PHARMACY**

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Re:

Pharmacist License of  
**LISA A. GRAY**  
License No. 18401

Respondent

) Case No. 2015-72  
)  
) **SETTLEMENT AGREEMENT**  
) **AND**  
) **FINAL ORDER**  
)

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**COME NOW** the Iowa Board of Pharmacy (“Board”) and Lisa A. Gray (“Respondent”), and enter into this Settlement Agreement and Final Order (“Agreement”) pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) (2015) to settle a licensee disciplinary proceeding currently pending before the Board.

The allegations contained in the 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 18401, which is currently active.
2. The Board has jurisdiction over the parties and the subject matter of these proceedings.
3. The Board issued a Statement of Charges concerning Respondent’s pharmacist license on November 4, 2015.
4. Respondent has chosen not to contest the charges, but acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Agreement.
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 (2015) 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. Respondent further 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. Respondent acknowledges that she has a right to be represented by counsel in these proceedings.

9. 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.

10. 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.

11. 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.

12. This Agreement shall be reported to the National Practitioners Data Bank and the National Association of Boards of Pharmacy's Disciplinary Clearinghouse as applicable.

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

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

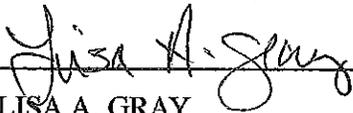
**IT IS THEREFORE ORDERED:**

15. Respondent is hereby **CITED** for engaging in unethical behavior or practice harmful or detrimental to the public and for violating a statute or rule related to the practice of pharmacy and **WARNED** that Respondent's failure to comply with the laws governing the practice of pharmacy could result in further discipline.

16. Within six (6) months of the execution of this Settlement Agreement and Final Order, Respondent shall submit to the Board proof of the completion of ten (10) hours of continuing education in the areas of HIPAA and patient privacy. These hours shall not count towards Respondent's annual continuing education requirement. Respondent is responsible for all costs associated with obtaining these hours.

17. Within thirty (30) days of the execution of this Settlement Agreement and Final Order, Respondent shall pay a civil penalty in the amount of \$1500. The civil penalty shall be submitted to the Board office, payable to the Treasurer of Iowa. The civil penalty shall be deposited in the State's General Fund.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 24 day of March, 2016.

  
\_\_\_\_\_  
LISA A. GRAY  
Respondent

This Settlement Agreement and Final Order is accepted by the Iowa Board of Pharmacy  
on the 4<sup>th</sup> day of May 2016.

  
\_\_\_\_\_  
JAMES MILLER, 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

**ADDENDUM B**  
**SETTLEMENT AGREEMENT AND FINAL ORDER**  
**ROCKFORD ANDERSON**  
**PHARMACIST LICENSE NO. 20335**  
**ANKENY, IOWA**

**BEFORE THE IOWA BOARD OF PHARMACY**

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Re:	)	CASE NO. 2015-123
Pharmacist License of	)	
	)	<b>SETTLEMENT AGREEMENT</b>
<b>ROCKFORD ANDERSON</b>	)	<b>AND FINAL ORDER</b>
License No. 20335	)	
Respondent.	)	

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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 Rockford Anderson ("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 January 12, 2016.
2. The Board has jurisdiction over the parties and the subject matter of these proceedings.
3. The Factual Circumstances in the Statement of Charges are explained as follows: Respondent asserts that pharmacy technicians performed only an initial check of strips of med paks, but a pharmacist always performed the final check. Respondent asserts that the rules do not specifically require review of each med pak, but Respondent began reviewing each individual med pak after the inspection. There is no evidence of any medication errors in the med paks dispensed by Respondent. Respondent began retaining documentation of final med pak verification after the inspection. After the inspection, Respondent ceased re-using comingled drugs from returned med paks. Respondent asserts the discrepancies identified in the controlled substances audit are largely attributed to dispensing errors traced to one pharmacist employee who was not the Pharmacist in Charge and Respondent's purchases from Mercy Specialty Pharmacy when it ceased doing business.
4. Respondent denies the allegations contained in Counts I, II, IV, V, and VI, but in the interest of settlement has chosen not to contest the charges. Respondent acknowledges that the allegations in the Statement of Charges, 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 he 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 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. Upon the Board's approval of this Order, Count I of the Statement of Charges is **DISMISSED**.

15. Respondent is hereby **CITED** for failure to properly verify and document, misuse of returned patient med paks, failure to maintain an accurate perpetual inventory, failure to keep and maintain records, failure to maintain annual inventory of controlled substances, violating the duties of a pharmacist in charge, and misrepresentative deeds and **WARNED** that Respondent's failure to comply with the laws and rules governing the practice of pharmacy in the future could result in further discipline.

16. Respondent shall pay a **CIVIL PENALTY** in the amount of two thousand five hundred dollars (\$2,500) within sixty (60) days of Board approval of this Order. The check shall be made payable to the "Treasurer of Iowa" and shall be deposited in the general fund. The civil penalty should be mailed to the Iowa Board of Pharmacy, Attn: Debbie Jorgenson, 400 SW Eighth Street, Suite E, Des Moines, IA 50309.

17. Respondent shall complete 1.5 CEU/15 contact hours of **CONTINUING EDUCATION** in the area of pharmacy laws and rules, recordkeeping, DEA regulations, ethics, and/or managing a pharmacy within twelve (12) months of Board approval of this Order. These CEUs can be any credit designated with the last two digits of the universal activity number ending in 03 (Law) or 05 (Patient Safety). These CEUs are in addition to the CEUs required for license renewal and cannot be counted towards the CEUs required for license renewal under 657 IAC 2.12. Respondent shall submit certificates or a copy of the report from the NABP website to the Board

as proof of completion of this requirement. The certifications can be mailed to the Iowa Board of Pharmacy, Attn: Debbie Jorgenson, 400 SW Eighth Street, Suite E, Des Moines, IA 50309. Respondent is responsible for all costs associated with obtaining the required continuing education.

18. So long as Respondent remains in the position as pharmacist in charge at Ankeny Pharmacy, Respondent is responsible for ensuring Ankeny Pharmacy complies with the terms of its probation. Respondent's failure to ensure Ankeny Pharmacy complies with the terms of its probation while Respondent is pharmacist in charge shall be considered a violation of this Order.

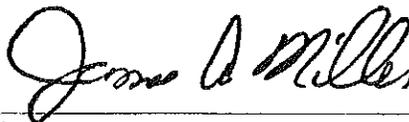
19. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 147, 155A, and 272C and 657 IAC 36.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 29 day of April, 2016.



ROCKFORD ANDERSON  
Respondent

This Settlement Agreement and Final Order is approved by the Iowa Board of Pharmacy on the 4th day of May, 2016.



Chairperson  
Iowa Board of Pharmacy

Copies to:

Laura Steffensmeier  
Assistant Attorney General  
Licensing & Administrative Law Division  
Iowa Department of Justice  
Hoover Building, 2<sup>nd</sup> Floor  
Des Moines, IA 50319  
ATTORNEY FOR THE STATE

Rebecca Brommel  
Brown Winick

666 Grand Avenue  
Suite 2000 Ruan Center  
Des Moines, IA 50309  
ATTORNEY FOR RESPONDENT

**ADDENDUM C**  
**SETTLEMENT AGREEMENT AND FINAL ORDER**  
**ANKENY PHARMACY**  
**PHARMACY LICENSE NO. 1475**  
**ANKENY, IOWA**

**BEFORE THE IOWA BOARD OF PHARMACY**

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Re:	)	CASE NO. 2015-123
Pharmacy License of	)	
	)	<b>SETTLEMENT AGREEMENT</b>
<b>ANKENY PHARMACY</b>	)	<b>AND FINAL ORDER</b>
License No. 1475	)	
Respondent.	)	

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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 Ankeny Pharmacy ("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 January 12, 2016.
2. The Board has jurisdiction over the parties and the subject matter of these proceedings.
3. The Factual Circumstances in the Statement of Charges are explained as follows: Respondent asserts that pharmacy technicians performed only an initial check of strips of med paks, but a pharmacist always performed the final check. Respondent asserts that the rules do not specifically require review of each med pak, but Respondent began reviewing each individual med pak after the inspection. There is no evidence of any medication errors in the med paks dispensed by Respondent. Respondent began retaining documentation of final med pak verification after the inspection. After the inspection, Respondent ceased re-using comingled drugs from returned med paks. Respondent asserts the discrepancies identified in the controlled substances audit are largely attributed to dispensing errors traced to one pharmacist employee who was not the Pharmacist in Charge and Respondent's purchases from Mercy Specialty Pharmacy when it ceased doing business.
4. Respondent denies the allegations contained in Counts I, II, IV, V, and VI, but in the interest of settlement has chosen not to contest the charges. Respondent acknowledges that the allegations in the Statement of Charges, 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's license is hereby placed on **PROBATION** for a period of four (4) years subject to the following terms:

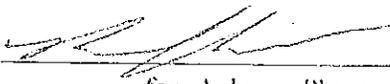
- a. Respondent shall pay a **CIVIL PENALTY** in the amount of two-thousand five hundred dollars (\$2,500) within sixty (60) days of Board approval of this Order. The check shall be made payable to the "Treasurer of Iowa" and shall be deposited in the general fund. The civil penalty should be mailed to the Iowa Board of Pharmacy, Attn: Debbie Jorgenson, 400 SW Eighth Street, Suite E, Des Moines, IA 50309.
- b. Respondent shall continue to perform monthly audits of its controlled substances. All audits shall be documented and available to the Board upon request.
- c. Respondent shall complete self-inspections on a quarterly basis each year and submit documentation of each self-inspection to the assigned Board compliance officer no later than March 5, June 5, September 5, and December 5 of each calendar year during the probationary period. Board compliance officers may conduct on-site inspections at any time. Respondent shall work with Board compliance officers to ensure any deficiencies uncovered during any self-inspection or on-site inspection are corrected in a timely fashion. Respondent's failure to correct deficiencies in a timely fashion shall be considered a violation of this Order.

- d. Respondent shall abide by all state and federal laws and regulations governing the practice of pharmacy. Respondent shall operate in accordance with its policies and procedures.
- e. The Board may, in its discretion, decrease the frequency of the required audits or self-inspections during the probationary period based on satisfactory performance by Respondent.

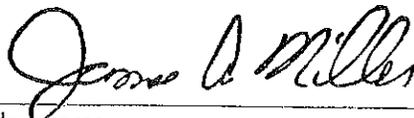
15. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 147, 155A, and 272C and 657 IAC 36.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 27 day of April, 2016.

  
\_\_\_\_\_  
Ankeny Pharmacy  
Respondent

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

This Settlement Agreement and Final Order is approved by the Iowa Board of Pharmacy on the 4th day of May, 2016.

  
\_\_\_\_\_  
Chairperson  
Iowa Board of Pharmacy

Copies to:

Laura Steffensmeier  
Assistant Attorney General  
Licensing & Administrative Law Division  
Iowa Department of Justice

Hoover Building, 2<sup>nd</sup> Floor  
Des Moines, IA 50319  
ATTORNEY FOR THE STATE

Rebecca Brommel  
Brown Winick  
666 Grand Avenue  
Suite 2000 Ruan Center  
Des Moines, IA 50309  
ATTORNEY FOR RESPONDENT

**ADDENDUM D**

**SETTLEMENT AGREEMENT AND FINAL ORDER**

**ANGELA BUCKLAND**

**PHARMACY TECHNICIAN TRAINEE REGISTRATION NO. 22004**

**WILTON, IOWA**

**BEFORE THE IOWA BOARD OF PHARMACY**

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Re:	)	CASE NO. 2015-161
Technician Trainee Registration of	)	
	)	<b>SETTLEMENT AGREEMENT</b>
<b>ANGELA BUCKLAND</b>	)	<b>AND FINAL ORDER</b>
Registration No. 22004	)	
Respondent.	)	

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Pursuant to Iowa Code sections 17A.12(5) and 272C.3(4) (2015), and 657 IAC 36, the Iowa Board of Pharmacy ("Board") and Angela Buckland ("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 March 8, 2016.
2. The Board has jurisdiction over the parties and the subject matter of these proceedings.
3. 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 the discipline agreed to in this Order.
4. 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.
5. Respondent acknowledges that she has the right to be represented by counsel on this matter.
6. 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.
7. 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.
8. 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.

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

10. This Order, when fully executed, is a public record and is available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.

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

**IT IS THEREFORE ORDERED:**

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

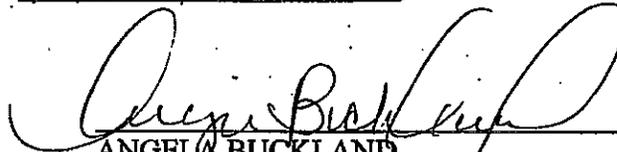
13. This voluntary surrender is considered discipline and, when accepted by the Board, has the same force and effect as an order of revocation under 657 IAC 36.15. Respondent may not request reinstatement for at least one year from the date of this Order.

14. 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 revocation of her registration no longer exists, and that it is in the public interest for the registration to be reinstated.

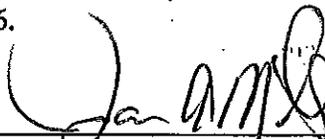
15. Respondent agrees not to work in a pharmacy in any capacity in Iowa unless her technician registration is reinstated.

16. 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 31<sup>st</sup> day of MARCH, 2016.

  
\_\_\_\_\_  
ANGELA BUCKLAND  
Respondent

This Settlement Agreement and Final Order is approved by the Iowa Board of Pharmacy on the 4<sup>th</sup> day of May, 2016.

  
\_\_\_\_\_  
Chairperson  
Iowa Board of Pharmacy

Copy to:

Laura Steffensmeier  
Assistant Attorney General  
Licensing & Administrative Law Division  
Iowa Department of Justice  
Hoover Building, 2<sup>nd</sup> Floor  
Des Moines, IA 50319  
ATTORNEY FOR THE STATE

**ADDENDUM E**  
**SETTLEMENT AGREEMENT AND FINAL ORDER**  
**ALPINE WELLNESS, INC.**  
**WHOLESALE DRUG LICENSE NO. 7778**  
**URBANDALE, IOWA**

**BEFORE THE IOWA BOARD OF PHARMACY**

---

Re:	)	CASE NO. 15-163
Wholesale Drug License of	)	
	)	<b>SETTLEMENT AGREEMENT</b>
<b>ALPINE WELLNESS, INC.</b>	)	<b>AND FINAL ORDER</b>
License No. 7778	)	
Respondent.	)	

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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 Alpine Wellness, Inc. ("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 and Emergency Adjudicative Order on October 23, 2015.
2. The Board has jurisdiction over the parties and the subject matter of these proceedings.
3. Although Respondent denies the allegations in the Statement of Charges, Respondent agrees and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Order. Accordingly, for the purpose of resolving this contested case proceedings, the Respondent declines to present evidence at the hearing and consents to the entry of this order.
4. 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.
5. Respondent acknowledges that it has the right to be represented by counsel on this matter.
6. 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.
7. 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.

8. 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.

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

10. 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.

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

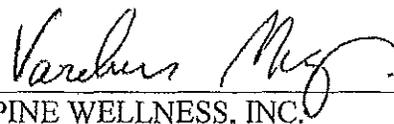
**IT IS THEREFORE ORDERED:**

13. Respondent agrees to **VOLUNTARILY SURRENDER** its Iowa wholesale drug license immediately.

14. This voluntary surrender is considered discipline and, when accepted by the Board, has the same force and effect as an order of revocation under 657 IAC 36.15. Respondent is permanently barred from applying for license reinstatement under 657 IAC 36.13. Respondent agrees not to perform any activities that would require an Iowa wholesale drug license.

15. 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 28<sup>th</sup> day of April 2016.



ALPINE WELLNESS, INC.

Respondent

By this signature, Vardan Megroian acknowledges s/he is the President for Alpine Wellness, Inc. and is authorized to sign this Settlement Agreement and Final Order on behalf of Alpine Wellness, Inc.

This Settlement Agreement and Final Order is approved by the Iowa Board of Pharmacy on the 4th day of May 2016.



Chairperson  
Iowa Board of Pharmacy

Copies to:

Laura Steffensmeier  
Assistant Attorney General  
Hoover Building, 2<sup>nd</sup> Floor  
1305 E. Walnut St.  
Des Moines, IA 50319

Brent D. Rosenberg  
Attorney At Law  
505 5th Avenue, Suite 1010  
Des Moines, Iowa 50309

**ADDENDUM F**

**ORDER TO SHOW CAUSE**

**MELANIE HOWARD, ARNP**

**CONTROLLED SUBSTANCE REGISTRATION NO. 5203144**

**DES MOINES, IOWA**

**BEFORE THE IOWA BOARD OF PHARMACY**

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Re: ) CASE NO. 2015-217  
Controlled Substance Registration of )  
)  
**MELANIE HOWARD, ARNP** ) **ORDER TO SHOW CAUSE**  
)  
Registration No. 5203144 )  
)  
Respondent. )

---

TO: Melanie Howard, ARNP  
Eyerly Ball  
1301 Center Street  
Des Moines, IA 50309

**NOTICE:**

Pursuant to the provisions of Iowa Code sections 124.304 and 124.305 (2015) and Iowa Administrative Code rule 657—10.12, you are hereby ordered to show cause why controlled substance registration number 5203144 should not be suspended.

To request a full hearing regarding the suspension of your controlled substance registration, you must file a request for a hearing in writing with the Board within thirty (30) days of service of this Order.

If you do not request a hearing in this matter within thirty (30) days of service of this order, your controlled substance registration will be **SUSPENDED**.

**I. JURISDICTION**

Pursuant to Iowa Code chapter 124 (2015) and Iowa Administrative Code chapter 657—10, the Iowa Board of Pharmacy has jurisdiction over those individuals who prescribe controlled substances in Iowa. The Board issued Melanie Howard controlled substance registration number 5203144, subject to the laws of the State of Iowa and the rules of the Board. Controlled substance registration number 5203144 is currently active and expires after October 31, 2017.

**II. BASIS FOR ORDER TO SHOW CAUSE**

1. Respondent is a licensed nurse practitioner in the State of Iowa.
2. Although employed by clinics in Iowa, the Respondent sees patients via videoconference from the State of Washington.
3. Following the video conference, Iowa patients requiring prescriptions are provided hard copy prescriptions for controlled substances with the Respondent's signature and the date of the video conference.

4. When physically present in Iowa and prior to consulting with patients, Respondent would sign blank prescription forms, allowing staff to later fill in the medication and date of issuance.

5. Iowa Code section 124.304(1)(j) and Iowa Administrative Code rule 657—10.12(1)(d) authorize the Board to suspend, revoke, or restrict a controlled substance registration if the registrant has committed such acts as would render the registrant's registration under section 124.303 inconsistent with the public interest as determined under that section. Under Iowa Administrative Code rule 657—36.1(4)(k), the Board has the authority to impose discipline on registrants for violating a law or rule of this state and the United States related to the distribution of controlled substances. Further under Iowa Code section 124.303(b) the "public interest" includes compliance with federal and state laws related to controlled substances.

6. Iowa Administrative Code rule 657—10.21 states, "All prescriptions for controlled substances shall be dated as of, and signed on, the day issued."

7. Code of Federal Regulations Title 21 section 1306.04(a) provides, "All prescriptions for controlled substances shall be dated as of, and signed on the day when issued . . . ."

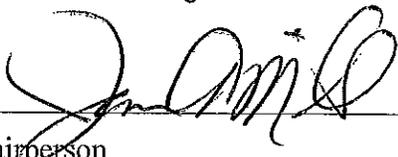
### III. ORDER

Respondent is hereby ordered to show cause why controlled substance registration number 1305770 should not be suspended.

Respondent may request a hearing before the Board in response to this Order by filing a written request with the Board within thirty (30) days of service of this Order. Respondent's written request for a hearing should be directed to Andrew Funk, Interim Executive Director, Iowa Board of Pharmacy, 400 S.W. Eighth Street, Suite E, Des Moines, Iowa 50309-4688. If Respondent submits a timely request for a hearing on the matter, a hearing will be scheduled for the Board's next available hearing date. A separate notice of hearing will be sent to Respondent detailing the date, time, and location of the hearing.

**If Respondent does not request a hearing in this matter within thirty (30) days of service of this Order, controlled substance registration number 1305770 will be SUSPENDED.**

IT IS SO ORDERED on this 4th day of May, 2016.

  
\_\_\_\_\_  
Chairperson  
Iowa Board of Pharmacy

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

**ADDENDUM G**  
**NOTICE OF HEARING AND STATEMENT OF CHARGES**  
**WENDELL SIMMONDS**  
**PHARMACIST LICENSE NO. 14823**  
**SIOUX CITY, IOWA**

**BEFORE THE IOWA BOARD OF PHARMACY**

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Re:	)	CASE NO. 2015-66
Pharmacist License of	)	
	)	<b>NOTICE OF HEARING AND</b>
<b>WENDELL SIMMONDS</b>	)	<b>STATEMENT OF CHARGES</b>
License No. 14823	)	
Respondent.	)	

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**COMES NOW** the Iowa Board of Pharmacy ("Board") and files this Notice of Hearing and Statement of Charges against Wendell Simmonds pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and 272C.3(1)(e), and Iowa Administrative Code rules 657—35.5 and 36.5. Respondent's Iowa pharmacist license number 14823 is currently active through June 30, 2017.

**A. TIME, PLACE, AND NATURE OF HEARING**

Hearing. A disciplinary contested case hearing shall be held on June 29, 2016, 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 the Iowa Board of Pharmacy Office, 400 S.W. 8<sup>th</sup> Street, Suite E, Des Moines, Iowa, 50309-4688.

Answer. Within twenty (20) days of the date you are served this Notice of Hearing and Statement of Charges, you may file an Answer pursuant to Iowa Administrative Code rule 657—35.11. The Answer should specifically admit, deny, or otherwise answer all allegations contained in sections C and D of this Notice of Hearing and Statement of Charges.

Filing of Pleadings. Pleadings shall be filed with the Board at the following address: Iowa Board of Pharmacy, 400 S.W. 8<sup>th</sup> Street, Suite E, Des Moines, Iowa, 50309-4688.

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.

Pre-hearing Conference. Any party may request a prehearing conference in accordance with Iowa Administrative Code rule 657—35.15 to discuss issues related to the hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at Iowa Administrative Code chapter 657—35. 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 Iowa Administrative Code rule 657—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:

Meghan Gavin  
Assistant Attorney General  
Iowa Attorney General's Office  
2<sup>nd</sup> Floor, Hoover State Office Building  
Des Moines, Iowa 50319

Ms. Gavin can also be reached by phone at (515) 281-6736 or by e-mail at [Meghan.Gavin@iowa.gov](mailto:Meghan.Gavin@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 17A, 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 Iowa Administrative Code chapter 657—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 Iowa Administrative Code rule 657—35.21.

## **C. CHARGES**

### **COUNT I**

#### **FAILURE TO PROPERLY VERIFY A PRESCRIPTION**

Respondent is charged with failing to provide, document, and retain a record of the final verification for the accuracy, validity, completeness, and appropriateness of the patient's prescription or medication order prior to the delivery of the medication to the patient or the patient's representative in violation Iowa Code sections 147.55(9), 155A.12(1), (3), and (4), and Iowa Administrative Code rules 657—8.3(3)<sup>1</sup> and 657—36.1(4)(u).

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<sup>1</sup> This citation is to the administrative rule in effect at the time of the alleged violation. The rule at issue has since been renumbered to Iowa Administrative Code rule 657—8.3(7).

**D. FACTUAL CIRCUMSTANCES**

1. At the time relevant, Respondent worked as a staff pharmacist at Leeds Pharmacy in Sioux City, Iowa.
2. On March 26, 2013 a patient was dispensed Gemfibrozil 600mg instead of the prescribed Gabapentin 600mg.
3. The patient experienced adverse health consequences due to taking the incorrect medication for one week.
4. Respondent was responsible for the final verification of the prescription.
5. Leeds Pharmacy did not have any bar code verification technology at the time of the misfill.
6. Respondent admitted he did not and routinely does not check the NDC number of the product used to fill a prescription against the NDC number on the prescription label.
7. The Board received notification of the incident by Mutual Insurance Company on April 4, 2015.

**E. SETTLEMENT**

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at Iowa Administrative Code rule 657—36.6. If you are interested in pursuing settlement in this matter, please contact Assistant Attorney General Meghan Gavin at (515) 281-6736.

**F. FINDING OF PROBABLE CAUSE**

On this <sup>May</sup>~~4th~~ day of ~~April~~, 2016, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.

  
\_\_\_\_\_  
Chairperson  
Iowa Board of Pharmacy

Copy to:

Meghan Gavin  
Assistant Attorney General  
Hoover Building, 2<sup>nd</sup> Floor  
1305 E. Walnut St.  
Des Moines, IA 50319

PLEASE NOTE: If you require the assistance of auxiliary aids or services to participate in this matter because of a disability, immediately call 515-281-5944. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942).

**ADDENDUM H**  
**NOTICE OF HEARING AND STATEMENT OF CHARGES**

**GREENVILLE PHARMACY**  
**PHARMACY LICENSE NO. 667**  
**SIOUX CITY, IOWA**

**BEFORE THE IOWA BOARD OF PHARMACY**

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Re:	)	CASE NO. 2015-184
Pharmacy License of	)	
	)	<b>NOTICE OF HEARING AND</b>
<b>GREENVILLE PHARMACY</b>	)	<b>STATEMENT OF CHARGES</b>
License No. 667	)	
Respondent.	)	

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**COMES NOW** the Iowa Board of Pharmacy ("Board") and files this Notice of Hearing and Statement of Charges against Greenville Pharmacy ("Respondent"), 2701 Correctionville, Sioux City, IA 51105, pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and 272C.3(1)"e", and 657 IAC 35.5 and 36.5. Respondent's Iowa pharmacy license number 667 is currently active through December 31, 2016.

**A. TIME, PLACE, AND NATURE OF HEARING**

Hearing. A disciplinary contested case hearing shall be held on June 29, 2016, 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 the Iowa Board of Pharmacy Office, 400 S.W. 8<sup>th</sup> Street, Suite E, Des Moines, Iowa, 50309-4688.

Answer. Within twenty (20) days of the date you are served this Notice of Hearing and Statement of Charges, you may file an Answer pursuant to 657 IAC 35.11. The Answer should specifically admit, deny, or otherwise answer all allegations contained in sections C and D of this Notice of Hearing and Statement of Charges.

Filing of Pleadings. Pleadings shall be filed with the Board at the following address: Iowa Board of Pharmacy, 400 S.W. 8<sup>th</sup> Street, Suite E, Des Moines, Iowa, 50309-4688.

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.

Pre-hearing Conference. Any party may request a prehearing conference in accordance with 657 IAC 35.15 to discuss issues related to the hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 657 IAC 35. 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  
2<sup>nd</sup> 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](mailto: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 17A, 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 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**

#### **FRAUD IN PROCURING A LICENSE**

Respondent is charged with fraud in procuring a license, pursuant to Iowa Code sections 147.55(1) and 155A.15(2)"c", and 657 IAC 36.1(4)"a".

## **D. FACTUAL CIRCUMSTANCES**

1. On October 31, 2014, the Board received a renewal application from Respondent. On the application, Respondent answered no to the question that asked if the pharmacy, the pharmacy's owner, or any officer or partner (if the pharmacy is owned by a corporation or partnership), the pharmacist in charge, any pharmacist, any pharmacy technician, or any pharmacy support person ever been disciplined by any licensing authority.

2. On November 3, 2015, the Board received a renewal application from Respondent. On the application, Respondent answered no to the question that asked if the pharmacy, the pharmacy's owner, or any officer or partner (if the pharmacy is owned by a corporation or partnership), the pharmacist in charge, any pharmacist, any pharmacy technician, or any pharmacy support person ever been disciplined by any licensing authority.

3. Respondent was disciplined by the Board in 2002, in case number 2002-667, and again in 2005, in case number 2004-12.

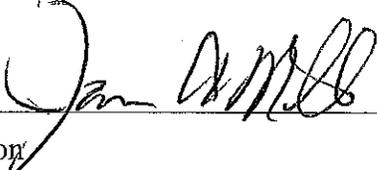
4. Owner and pharmacist Robert P. Rehal was disciplined by the Board in 2002, in case number 2002-17478, and again in 2005, in case number 2004-12.

#### **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 4<sup>th</sup> day of May, 2016, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.

  
\_\_\_\_\_  
Chairperson  
Iowa Board of Pharmacy

Copy to:

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

PLEASE NOTE: If you require the assistance of auxiliary aids or services to participate in this matter because of a disability, immediately call 515-281-5944. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942).

**ADDENDUM I**

**NOTICE OF HEARING AND STATEMENT OF CHARGES**

**ROBERT P. REHAL  
PHARMACIST LICENSE NO. 17478  
SIOUX CITY, IOWA**

**BEFORE THE IOWA BOARD OF PHARMACY**

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Re:	)	CASE NO. 2015-184
Pharmacist License of	)	
	)	
<b>ROBERT P. REHAL</b>	)	<b>NOTICE OF HEARING AND</b>
License No. 17478	)	<b>STATEMENT OF CHARGES</b>
Respondent.	)	

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**COMES NOW** the Iowa Board of Pharmacy ("Board") and files this Notice of Hearing and Statement of Charges against Robert P. Rehal ("Respondent"), 4509 Stoneridge Point, Sioux City, IA 51106, pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and 272C.3(1)"e", and 657 IAC 35.5 and 36.5. Respondent's Iowa pharmacist license number 17478 is currently active through June 30, 2016.

**A. TIME, PLACE, AND NATURE OF HEARING**

Hearing. A disciplinary contested case hearing shall be held on June 29, 2016, 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 the Iowa Board of Pharmacy Office, 400 S.W. 8<sup>th</sup> Street, Suite E, Des Moines, Iowa, 50309-4688.

Answer. Within twenty (20) days of the date you are served this Notice of Hearing and Statement of Charges, you may file an Answer pursuant to 657 IAC 35.11. The Answer should specifically admit, deny, or otherwise answer all allegations contained in sections C and D of this Notice of Hearing and Statement of Charges.

Filing of Pleadings. Pleadings shall be filed with the Board at the following address: Iowa Board of Pharmacy, 400 S.W. 8<sup>th</sup> Street, Suite E, Des Moines, Iowa, 50309-4688.

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.

Pre-hearing Conference. Any party may request a prehearing conference in accordance with 657 IAC 35.15 to discuss issues related to the hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 657 IAC 35. 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  
2<sup>nd</sup> 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](mailto: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 17A, 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 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**

#### **FRAUD IN PROCURING A LICENSE**

Respondent is charged with fraud in procuring a license, pursuant to Iowa Code sections 147.55(1) and 155A.12(3), and 657 IAC 36.1(4)"a".

## **D. FACTUAL CIRCUMSTANCES**

1. Respondent is an owner of, and pharmacist at, Greenville Pharmacy, in Sioux City.
2. On October 31, 2014, the Board received a renewal application from Greenville Pharmacy. On the application, Greenville Pharmacy answered no to the question that asked if the pharmacy, the pharmacy's owner, or any officer or partner (if the pharmacy is owned by a

corporation or partnership), the pharmacist in charge, any pharmacist, any pharmacy technician, or any pharmacy support person ever been disciplined by any licensing authority.

3. On November 3, 2015, the Board received a renewal application from Greenville Pharmacy. On the application, Greenville Pharmacy answered no to the question that asked if the pharmacy, the pharmacy's owner, or any officer or partner (if the pharmacy is owned by a corporation or partnership), the pharmacist in charge, any pharmacist, any pharmacy technician, or any pharmacy support person ever been disciplined by any licensing authority.

4. Both of the above-described renewal applications were signed by Respondent.

5. Greenville Pharmacy was disciplined by the Board in 2002, in case number 2002-667, and again in 2005, in case number 2004-12.

6. Respondent was disciplined by the Board in 2002, in case number 2002-17478, and again in 2005, in case number 2004-12.

#### **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 4<sup>th</sup> day of May, 2016, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.

  
\_\_\_\_\_  
Chairperson  
Iowa Board of Pharmacy

Copy to:

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

PLEASE NOTE: If you require the assistance of auxiliary aids or services to participate in this matter because of a disability, immediately call 515-281-5944. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942).

**ADDENDUM J**  
**FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND**  
**ORDER**

**JUSTIN ADAM**  
**PHARMACY TECHNICIAN REGISTRATION NO. 12376**  
**SIOUX CITY, IOWA**

BEFORE THE IOWA BOARD OF PHARMACY

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IN THE MATTER OF THE  
STATEMENT OF CHARGES AGAINST:

CASE NO. 2015-150  
DIA NO. 16PHB001

JUSTIN ADAM  
Registration No. 12376

FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
DECISION AND ORDER

RESPONDENT

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On January 12, 2016, the Iowa Board of Pharmacy (Board) found probable cause to file a Notice of Hearing and Statement of Charges against Justin Adam (Respondent), which charged him with engaging in unethical conduct, in violation of 657 IAC 3.28(1) and (2), and pursuant to Iowa Code sections 147.55(3) and (9), 155A.6A(5) and 657 IAC 3.30 and 36.1(4)"c" and "u." The hearing was held on March 8, 2016 at 1:05 p.m. at the Iowa Memorial Union, 125 N. Madison Street, Iowa City, Iowa. The following members of the Board presided at the hearing: James Miller, Chairperson; Edward Maier; Edward McKenna; Sharon Meyer; Jason Hansel; and LaDonna Gratias. Assistant Attorney General Laura Steffensmeier represented the state. Respondent failed to appear for hearing. The hearing was open to the public, pursuant to Iowa Code section 272C.6(1)(2015), and was recorded by a certified court reporter. Administrative Law Judge Margaret LaMarche assisted the Board in conducting the hearing. After hearing the testimony and examining the exhibits, the Board convened in closed executive session, pursuant to Iowa Code section 21.5(1)(f), to deliberate their decision. The administrative law judge was instructed to prepare the Findings of Fact, Conclusions of Law, Decision and Order, in conformance with the Board's deliberations.

THE RECORD

The record includes the testimony of Sue Mears, R.Ph., and State Exhibits 1-7.

FINDINGS OF FACT

1. The Board has issued pharmacy technician registration number 12376 to Respondent, which authorizes him to serve as a pharmacy technician, subject to the laws of the state of Iowa and the rules of the Board. Respondent's pharmacy technician registration is current through July 31, 2016. (State Exhibit 1)

2. On September 9, 2015, the Board received a complaint from Kendra Sieperda, who was the pharmacist-in-charge for the Siouxland Community Health Center Pharmacy in Sioux City, Iowa. According to the complaint, Respondent had been employed by Siouxland Community Health Center Pharmacy as a pharmacy technician. On August 24, 2015, Ms. Sieperda noticed that an increasing number of patients listed in their pharmacy system were covered by a prescription discount program called "RxBattle Prescription Savings Card." Ms. Sieperda questioned several employees who had not heard of this program and had not entered the program into the pharmacy's system. Ms. Sieperda then obtained reports from the pharmacy's software support company, which established that 366 of the pharmacy's patients had the RxBattle Prescription Savings program entered on their patient profiles. The earliest entry was made in April 2015, and 115 of the patients had the plan entered into their profiles in the previous week. All of the RxBattle plans contained the same unique group or "agent" number. (Mears testimony; State Exhibit 3)

Another pharmacy technician informed Ms. Sieperda that Respondent may have been entering the plans on the patients' profiles and was possibly receiving a monetary incentive for claims submissions through RxBattle. A further review of the individual claims that were processed through RxBattle established that Respondent's ScriptPro login was consistently associated with all of the claims submitted to RxBattle. (Mears testimony; State Exhibit 3)

Ms. Sieperda reported her findings to the pharmacy's compliance officer and human resources manager, and staff interviews were conducted on August 26, 2015. Ms. Sieperda expressed concerns that patients may not have been aware of their "enrollment" in the discount plan due to the sheer number of plan additions and claim submissions in the prior week. This would have been a breach of patient health information due to the information transferred during the submission of claims. Respondent's employment as a pharmacy technician was terminated following the pharmacy's compliance investigation and interviews. (Mears testimony; State Exhibit 3)

3. Sue Mears is one of the Board's Compliance Officers, and she was assigned to investigate the complaint against Respondent. Ms. Mears obtained information about the RxBattle Prescription Discount Card through the company's website. According to the website, patients may print out a discount card and take it to a pharmacy of their choice for processing. It was Mears' understanding that pharmacies are generally willing to accept this type of discount card, and it may result in the pharmacy charging a lower price for the drug. RxBattle specifically provides the opportunity for people to become "agents" for the company and to provide the free discount cards to others. In

exchange, the "agents" receive a commission for each prescription filled using the card. There was no cost to the patient for the discount card. (Mears testimony; State Exhibits 4, 5)

4. Sue Mears communicated with Kendra Sieperda on October 2, 2015 and again on October 15, 2015. Ms. Sieperda reported that Respondent had admitted that he was enrolled as an "agent" with RxBattle and had entered the RxBattle information into patients' accounts without their knowledge or consent. Respondent also admitted that he had received compensation from RxBattle. Respondent's employment was terminated on August 26, 2015, and Ms. Sieperda did not believe that he was currently working in a pharmacy. The pharmacy's initial report showed that approximately 977 prescriptions had been processed with the RxBattle discount plan. The pharmacy sent all of the patients a letter notifying them that the RxBattle plan had been added to their profile and that their prescription information had been provided to this discount program. (Mears testimony; State Exhibits 4, 6)

The pharmacy's staff interviewed all affected patients and identified patients that might have had third party insurance coverage to determine if the patients would have been better served using their insurance plan. Ms. Sieperda did not think that Respondent had deleted patients' insurance plans but rather believed that the patients might not have been providing the pharmacy their insurance information in a timely manner. For any patients identified as potentially having better prescription coverage through a third party plan, the pharmacy reversed the RxBattle claim and processed the prescriptions through the patients' insurance plan. The patients were issued a refund if their regular insurance provided a less expensive price. (Mears testimony; State Exhibit 4)

5. On October 5, 2015, Sue Mears sent Respondent a certified letter notifying him of the complaint that had been filed against him and providing an opportunity for him to respond. As of October 19, 2015, Respondent had not picked up this certified letter at the post office. The email address and phone number that the Board had on file for Respondent were no longer valid or in service. On October 19, 2015, Ms. Mears tried to call Respondent at a phone number provided by Kendra Sieperda and was able to leave a voice mail message for him. When Respondent returned Mears' call, he admitted that he had added the discount card information to patients' profiles. Respondent told Mears that he learned of the discount program while he was looking for a second job. Respondent also told Mears that he had been adding the discount program to patient profiles for a "few months" and that he did not ever adjudicate someone's prescription without filling and dispensing it. Respondent told Mears that he was not currently

working in a pharmacy and had no desire to work in a pharmacy again. Mears informed Respondent that he could surrender his pharmacy technician registration, but he had not done so as of the date of the hearing. (Mears testimony; State Exhibit 4)

6. On January 26, 2016, Sue Mears went to Respondent's home in Sioux City in an effort to personally serve him with the Notice of Hearing and Statement of Charges that the Board issued on January 12, 2016. No one answered, and Ms. Mears taped the Notice of Hearing and Statement of Charges and an Acceptance of Service form to Respondent's front door. Ms. Mears returned to Respondent's home on January 27, 2016 and these documents were no longer on the door. The Board later received the Acceptance of Service, which had been signed by Respondent on January 27, 2016. Respondent failed to appear for hearing. (State Exhibit 2; Mears testimony)

### CONCLUSIONS OF LAW

Iowa Code section 147.55(2015) provides, in relevant part, that the Board may revoke, suspend, or otherwise discipline a license for any of the following offenses:

...

3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of a profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

...

9. Other acts or offenses as specified by board rule.

*See also 657 IAC 36.1(4)"c" and "u."*

Iowa Code section 155A.6A(5)(2015) and 657 IAC 3.30 authorize the board to suspend or revoke the registration of a registered pharmacy technician for any violation of the laws of this state, ... relating to prescription drugs, controlled substances, or nonprescription drugs, or for any violation of this chapter or chapter 124, 124A, 124B, 126, 147, 205, or 272C or any rule of the board.

657 IAC 3.28 provides, in relevant part:

**657-3.28(155A)** *Unethical conduct or practice.* Violation by a pharmacy technician of any of the provisions of this rule shall constitute unethical conduct or practice and may be grounds for disciplinary action as provided in rule 657-3.30(155A).

**3.28(1).** *Misrepresentative deeds.* A pharmacy technician shall not make any statement tending to deceive, misrepresent, or mislead anyone, or be a party to or an accessory to any fraudulent or deceitful practice or transaction in pharmacy or in the operation or conduct of a pharmacy.

**3.28(2).** *Confidentiality.* In the absence of express written authorization from the patient or written order or direction of a court, except where the best interests of the patient require, a pharmacy technician shall not divulge or reveal to any person other than the patient or the patient's authorized representative, the prescriber or other licensed practitioner then caring for the patient, a licensed pharmacist, a person duly authorized by law to receive such information, or as otherwise provided in rule 657-8.16 (124,155A), any of the following:

- a.* A patient's name, address, social security number, or any other information that could be used to identify a patient;
- b.* The contents of any prescription drug order or medication order or the therapeutic effect thereof, or the nature of professional pharmaceutical services rendered to the patient;
- c.* The nature, extent, or degree of illness suffered by any patient; or
- d.* Any medical information furnished by the prescriber or the patient.

In fulfilling his duties as a registered pharmacy technician, Respondent is prohibited from acting in a manner that is deceitful, misrepresentative or misleading. Respondent is required to keep patient identification and prescription information confidential and is prohibited from disclosing patient information to third parties unless authorized to do so by the patient. The preponderance of the evidence established that Respondent violated Iowa Code sections 147.55(3), (9), 155A.6A(5) and 657 IAC 3.28(1) and (2), 3.30 and 36.1(4)"c" and "u" when he entered RxBattle Prescription Discount program information on pharmacy patient profiles without the patients' knowledge or consent and when he provided confidential patient information to RxBattle to process claims through this prescription discount plan. These violations were established by the pharmacy's records, by the information provided by Respondent's supervisor, and by Respondent's own admissions.

#### DECISION AND ORDER

The very serious nature of Respondent's ethical violations and his failure to appear for hearing justifies the revocation of his registration as a pharmacy technician. IT IS

THEREFORE ORDERED that pharmacy technician registration number 12376, issued to Justin Adam, is hereby REVOKED. If Respondent seeks reinstatement of his pharmacy technician registration in the future, the burden will be placed on him to show that the basis for the revocation no longer exists and that is in the public interest for his registration to be reinstated. 657 IAC 36.13(4).

IT IS FURTHER ORDERED, pursuant to Iowa Code section 272C.6 and 657 IAC 36.18(2), that Respondent shall pay \$75.00 for fees associated with conducting the disciplinary hearing. In addition, the executive director of the Board may bill Respondent for any witness fees and expenses or transcript costs associated with this disciplinary hearing. Respondent shall remit for these expenses within thirty (30) days of receipt of the bill.

Dated this 4~~th~~ day of May, 2016.



James Miller, Chairperson  
Iowa Board of Pharmacy

cc: Laura Steffensmeier, Assistant Attorney General  
Hoover State Office Building (LOCAL)

A default decision or decision rendered on the merits after a party has failed to appear or participate in a contested case hearing shall become final board action unless within 15 days after the date of notification or mailing of the decision a motion to vacate is filed and served on all parties or unless an appeal of a decision is timely initiated within the time provided by rule 35.26. A motion to vacate must state all facts relied upon by the moving party which establish good cause existed for that party's failure to appear or participate at the contested case proceeding. Each fact so stated shall be substantiated by at least one sworn affidavit of a person with personal knowledge of each such fact, which affidavit(s) shall be attached to the motion. 657 IAC 35.21. The time for further appeal of a decision for which a timely motion to vacate has been filed is stayed pending a decision on the motion to vacate. 657 IAC 35.21(4).

Any aggrieved or adversely affected party may seek judicial review of this decision and order of the board, pursuant to Iowa Code section 17A.19.

**ADDENDUM K**  
**ORDER GRANTING PETITION TO VACATE**  
**INIE CLEMENT**  
**PHARMACIST LICENSE NO. 16963**  
**DES MOINES, IOWA**

BEFORE THE IOWA BOARD OF PHARMACY

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Re:	)	
Pharmacist License of	)	Docket No. 2015-25
INIE CLEMENT	)	DIA No. 16PHB007
License No. 16963,	)	
	)	<b>ORDER GRANTING</b>
Respondent.	)	<b>PETITION TO VACATE</b>
	)	

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*Procedural History:* The Board of Pharmacy filed a Statement of Charges concerning the pharmacist license of Respondent Inie Clement on June 23, 2015. A contested case hearing was scheduled for September 1, 2015. The Board attempted to serve Respondent by restricted certified mail and by first class mail. When the certified mail was returned to the Board unclaimed, the Board rescheduled the hearing for November 3, 2015.

Respondent appeared for the hearing on September 1, 2015, having received notice of the hearing by regular mail. On that date, the Board personally served Respondent with the Statement of Charges with the November 3, 2015 hearing date.

Respondent failed to appear for the November 3, 2015 hearing. The Board elected to proceed in her absence. On January 12, 2016, the Board issued Findings of Fact, Conclusions of Law, Decision and Order. The Board found that Respondent failed to notify the Board of a change in her address and, as a result, indefinitely suspended her license and ordered her to pay a civil penalty in the amount of \$1,000. While the Board left a copy of the Order at Respondent's last known address, it also served the Order through publication in the Des Moines Register on February 2, 9, and 16, 2016.

Respondent filed a Petition to Vacate on March 11, 2016. The State filed State's Response to Petition to Vacate on March 21, 2016. The Board took up the Petition to Vacate at its meeting on May 3, 2016.

*Petition to Vacate:* In her motion to vacate, Respondent alleges that she did not appear at the November 3, 2015 hearing because she was recovering from a severe car accident that occurred on October 17, 2015. Since the accident, Respondent has been living with her daughter in Minnesota as she is unable to physically care for herself without assistance and is not able to work. When Respondent returned to Iowa on March 6, 2016 for appointments, she found the Board's Order taped to the door at her home.

Respondent asserts in her petition that she disputes the allegations in the Statement of Charges and wishes to have an opportunity to present evidence to the Board on these issues.

*State's Response to Petition to Vacate:* In its response to the petition, the State concedes that Respondent has established good cause for her failure to appear at the contested case hearing pursuant to 657 Iowa Administrative Code 35.21(6). The State does not resist the Petition to Vacate, asserting that neither fundamental fairness nor the public interest is served by refusing to vacate the January 16, 2016 Order.

**ORDER**

IT IS THEREFORE ORDERED that the Petition to Vacate is granted. The Board's Findings of Fact, Conclusions of Law, Decision and Order issued January 16, 2016 is vacated. A new hearing on the June 23, 2015 Statement of Charges shall take place on **June 29, 2016 during the afternoon session beginning at 1:00 PM.** The hearing will be held in the Board conference room located at the Iowa Board of Pharmacy Office, 400 S.W. 8<sup>th</sup> Street, Suite E, Des Moines, Iowa 50309.

Dated this 4<sup>th</sup> day of May, 2016.

A handwritten signature in black ink, appearing to read 'James Miller', is written over a large, faint circular stamp or watermark.

James Miller  
Chairperson, Iowa Board of Pharmacy

cc: Patricia Hulting, Attorney for Respondent  
Meghan Gavin, Assistant Attorney General

**ADDENDUM L**

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

**EDITA HUSIC  
PHARMACY TECHNICIAN REGISTRATION NO. 12945  
WEST DES MOINES, IOWA**

**BEFORE THE IOWA BOARD OF PHARMACY**

---

Re:	)	CASE NO. 2015-212
Technician Trainee Registration of	)	
<b>EDITA HUSIC</b>	)	<b>COMBINED STATEMENT OF</b>
Registration No. 12945	)	<b>CHARGES, SETTLEMENT</b>
Respondent.	)	<b>AGREEMENT, AND FINAL ORDER</b>

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**COME NOW** the Iowa Board of Pharmacy ("Board") and Edita Husic ("Respondent"), 1265 11<sup>th</sup> Street #201, West Des Moines, IA 50265, and enter into this Combined Statement of Charges, Settlement Agreement, and Final Order ("Order") pursuant to Iowa Code sections 17A.10 and 272C.3(4) (2015), and 657 IAC 36.6, stating the following:

**A. STATEMENT OF CHARGES**

**Count I**

**DIVERSION OF DRUGS**

Respondent is charged with diverting prescription drugs from a pharmacy for personal use or for distribution, pursuant to Iowa Code sections 147.55(9) and 155A.6A(5), and 657 IAC 36.1(4)"ak".

**B. FACTUAL CIRCUMSTANCES**

1. Respondent holds pharmacy technician trainee registration number 12945, which is active through October 31, 2016.

2. In November and December of 2015, while working as a pharmacy technician, Respondent diverted over 2,500 tablets of hydrocodone/APAP and distributed the tablets to a friend using the pharmacy drive-thru window.

**C. SETTLEMENT AGREEMENT AND FINAL ORDER**

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

2. Respondent acknowledges that the allegations in the Statement of Charges, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Order. Respondent's acknowledgement does not constitute an admission to the facts alleged above.

3. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to hearing before the Board on the charges, but Respondent waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's action, by freely and voluntarily entering into this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.

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

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

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

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

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

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

10. This Order, when fully executed, is a public record and is available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.

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

**IT IS THEREFORE ORDERED:**

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

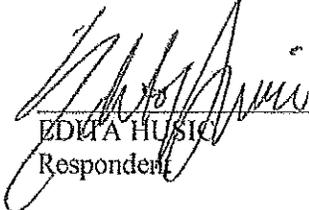
13. This voluntary surrender is considered discipline and, when accepted by the Board, has the same force and effect as an order of revocation under 657 IAC 36.15. Respondent may not request reinstatement for at least one year from the date of this Order.

14. 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 revocation of her registration no longer exists, and that it is in the public interest for the registration to be reinstated.

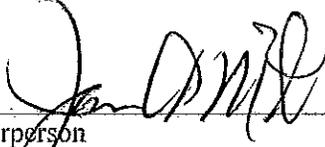
15. Respondent agrees not to work in a pharmacy in any capacity in Iowa unless her technician registration is reinstated.

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

This Combined Statement of Charges, Settlement Agreement, and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the ~~13th~~ day of ~~April~~, 2016.

  
EDNA HUSIC  
Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the Iowa Board of Pharmacy on the 4th day of May, 2016.

  
Chairperson  
Iowa Board of Pharmacy

Copy to:

Laura Steffensmeier  
Assistant Attorney General  
Hoover Building, 2<sup>nd</sup> Floor  
1305 E. Walnut St.  
Des Moines, IA 50319

**ADDENDUM M**

**NOTICE OF HEARING AND STATEMENT OF CHARGES**

**AMY HANEN**

**PHARMACY TECHNICIAN REGISTRATION NO. 16724**

**DUBUQUE, IOWA**

**BEFORE THE IOWA BOARD OF PHARMACY**

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Re: ) CASE NO. 2016-23  
Certified Technician Registration of )  
)  
**AMY HANEN** ) **NOTICE OF HEARING AND**  
) **STATEMENT OF CHARGES**  
Registration No. 16724 )  
Respondent. )

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**COMES NOW** the Iowa Board of Pharmacy ("Board") and files this Notice of Hearing and Statement of Charges against Amy Hanen ("Respondent"), 2820 JFK Road, Dubuque, Iowa 52002, pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and 272C.3(1)(e), and 657 IAC 35.5 and 36.5. Respondent's Iowa pharmacy certified technician registration number 16724 is currently active through January 31, 2017.

**A. TIME, PLACE, AND NATURE OF HEARING**

Hearing. A disciplinary contested case hearing shall be held on June 29, 2016, before the Board. The hearing shall begin at 1:00 p.m. and shall be located in the Board conference room located at the Iowa Board of Pharmacy Office, 400 S.W. 8<sup>th</sup> Street, Suite E, Des Moines, Iowa, 50309-4688.

Answer. Within twenty (20) days of the date you are served this Notice of Hearing and Statement of Charges, you may file an Answer pursuant to 657 IAC 35.11. The Answer should specifically admit, deny, or otherwise answer all allegations contained in sections C and D of this Notice of Hearing and Statement of Charges.

Filing of Pleadings. Pleadings shall be filed with the Board at the following address: Iowa Board of Pharmacy, 400 S.W. 8<sup>th</sup> Street, Suite E, Des Moines, Iowa, 50309-4688.

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.

Pre-hearing Conference. Any party may request a prehearing conference in accordance with 657 IAC 35.15 to discuss issues related to the hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 657 IAC 35. 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:

Meghan Gavin  
Assistant Attorney General  
Iowa Attorney General's Office  
2<sup>nd</sup> Floor, Hoover State Office Building  
Des Moines, Iowa 50319

Ms. Gavin can also be reached by phone at (515) 281-6736 or by e-mail at [Meghan.Gavin@iowa.gov](mailto:Meghan.Gavin@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 17A, 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 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 DIVERSION OF DRUGS**

Respondent is charged with diverting prescription drugs from a pharmacy for personal use or for distribution, pursuant to Iowa Code sections 147.55(9) and 155A.6A(5), and 657 IAC 36.1(4)"ak".

## **D. FACTUAL CIRCUMSTANCES**

1. In January 2016, while working as a certified pharmacy technician for Finely Pharmacy in Peosta, Respondent diverted a 1 x 100 stock bottle of Amphetamine Salts 20mg tablets.

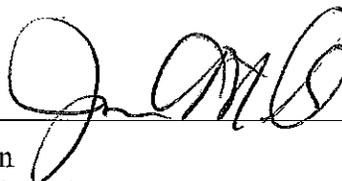
2. In January 2016, Finley Hospital Pharmacy in Dubuque, where Respondent also worked, reported shortages of Amphetamine Salts which the pharmacy attributed to the Respondent.

#### **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 4<sup>th</sup> day of May, 2016, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.



Chairperson  
Iowa Board of Pharmacy

Copy to:

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

PLEASE NOTE: If you require the assistance of auxiliary aids or services to participate in this matter because of a disability, immediately call 515-281-5944. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942).

**ADDENDUM N**

**NOTICE OF HEARING AND STATEMENT OF CHARGES**

**MICHAEL F. STEIN  
PHARMACIST LICENSE NO. 17382  
IOWA CITY, IOWA**

**BEFORE THE IOWA BOARD OF PHARMACY**

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Re:	)	CASE NO. 2015-108
Pharmacist License of	)	
	)	
<b>MIKE STEIN</b>	)	<b>NOTICE OF HEARING AND</b>
License No.17382	)	<b>STATEMENT OF CHARGES</b>
Respondent.	)	

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**COMES NOW** the Iowa Board of Pharmacy ("Board") and files this Notice of Hearing and Statement of Charges against Mike Stein pursuant to Iowa Code sections 17A.12(2) and 17A.18(3), and 272C.3(1)(e), and Iowa Administrative Code rules 657—35.5 and 36.5. Respondent's Iowa pharmacist license number 17382 is currently active and expires on June 30, 2017.

**A. TIME, PLACE, AND NATURE OF HEARING**

Hearing. A disciplinary contested case hearing shall be held on June 29, 2016, 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 the Iowa Board of Pharmacy Office, 400 S.W. 8<sup>th</sup> Street, Suite E, Des Moines, Iowa, 50309-4688.

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 Iowa Administrative Code rule 657—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 Iowa Administrative Code rule 657—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:

Meghan Gavin  
Assistant Attorney General  
Iowa Attorney General's Office  
2<sup>nd</sup> Floor, Hoover State Office Building  
Des Moines, Iowa 50319

Ms. Gavin can also be reached by phone at (515) 281-6736 or by e-mail at [Meghan.Gavin@iowa.gov](mailto:Meghan.Gavin@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 Iowa Administrative Code chapter 657—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 Iowa Administrative Code rule 657—35.21.

## **C. CHARGES**

### **Count I**

#### **VIOLATING RESPONSIBILITIES OF PHARMACIST-IN-CHARGE**

Respondent is charged with violating the responsibilities of the pharmacist-in-charge, specifically failing to ensure the legal operation of the pharmacy, including meeting all inspection and other requirements of state and federal laws, rules, and regulations governing the practice of pharmacy in violation of Iowa Administrative Code rule 657—6.2(15), pursuant to Iowa Code sections 147.55(9) and 155A.12(1), and Iowa Administrative Code rule 657—36.1(4)(u).

## **D. FACTUAL CIRCUMSTANCES**

1. At all relevant times, Respondent was the pharmacist-in-charge and owner of Pharmacy Matters LTC, 3526 Dolphin Dr. SE, Iowa City, IA 52244.

2. A routine inspection of Pharmacy Matters LTC was conducted on May 26, 2015.

3. During the inspection, a number of deficiencies were noted, including failure to have a permanent log, operating with an expired controlled substance registration, failing to mark schedule III, IV, and V controlled substances as to who received them, failure to maintain a bulk compounding log, failure to have policies and procedures on delivery, not properly handling returns of unit dose medications, and failure to properly handle emergency schedule II controlled substances prescriptions.

4. A follow-up visit on June 2, 2015 revealed that the pharmacy had not established a continuous quality improvement program.

**E. SETTLEMENT**

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at Iowa Administrative Code rule 657—36.6. If you are interested in pursuing settlement in this matter, please contact Assistant Attorney General Meghan Gavin at (515) 281-6736.

**F. FINDING OF PROBABLE CAUSE**

On this 4th day of <sup>May</sup>~~April~~, 2016, 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: Meghan Gavin  
Assistant Attorney General  
Hoover Building, 2<sup>nd</sup> Floor  
Des Moines, IA 50319

PLEASE NOTE: If you require the assistance of auxiliary aids or services to participate in this matter because of a disability, immediately call 515-281-5944. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942).

**ADDENDUM O**

**NOTICE OF HEARING AND STATEMENT OF CHARGES**

**PHARMACY MATTERS**  
**PHARMACY LICENSE NO. 1449**  
**IOWA CITY, IOWA**

**BEFORE THE IOWA BOARD OF PHARMACY**

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Re:	)	CASE NO. 2015-108
Pharmacy License of	)	
	)	
<b>PHARMACY MATTERS</b>	)	<b>NOTICE OF HEARING AND</b>
License No. 1449	)	<b>STATEMENT OF CHARGES</b>
Respondent.	)	

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**COMES NOW** the Iowa Board of Pharmacy and files this Notice of Hearing and Statement of Charges against Pharmacy Matters LTC 3526 Dolphin Dr. SE, Iowa City, Iowa 52244 pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and 272C.3(1)(e), and Iowa Administrative Code rules 657—35.5 and 36.5. Respondent's Iowa pharmacy license number 1449 is currently active through December 31, 2016.

**A. TIME, PLACE, AND NATURE OF HEARING**

Hearing. A disciplinary contested case hearing shall be held on June 29, 2016, 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 the Iowa Board of Pharmacy Office, 400 S.W. 8<sup>th</sup> Street, Suite E, Des Moines, Iowa, 50309-4688.

Answer. Within twenty (20) days of the date you are served this Notice of Hearing and Statement of Charges, you may file an Answer pursuant to 657 IAC 35.11. The Answer should specifically admit, deny, or otherwise answer all allegations contained in sections C and D of this Notice of Hearing and Statement of Charges.

Filing of Pleadings. Pleadings shall be filed with the Board at the following address: Iowa Board of Pharmacy, 400 S.W. 8<sup>th</sup> Street, Suite E, Des Moines, Iowa, 50309-4688.

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.

Pre-hearing Conference. Any party may request a prehearing conference in accordance with Iowa Administrative Code rule 657—35.15 to discuss issues related to the hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at Iowa Administrative Code chapter 657—35. 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 Iowa Administrative Code rule 657—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:

Meghan Gavin  
Assistant Attorney General  
Iowa Attorney General's Office  
2<sup>nd</sup> Floor, Hoover State Office Building  
Des Moines, Iowa 50319

Ms. Gavin can also be reached by phone at (515) 281-6736 or by e-mail at [Meghan.Gavin@iowa.gov](mailto:Meghan.Gavin@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 17A, 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 Iowa Administrative Code chapter 657—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 Iowa Administrative Code rule 657—35.21.

## **C. CHARGES**

### **COUNT I**

#### **FAILURE TO KEEP AND MAINTAIN RECORDS**

Respondent is charged with failing to keep and maintain records as required by law, specifically for failing to keep supplier invoices and for failing to have a responsible person clearly record the date of receipt of controlled substances on supplier invoices in violation of Iowa Administrative Code rule 657—8.9(1), pursuant to Iowa Code section 155A.15(2)(c), (h) and Iowa Administrative Code rule 657—36.1(4)(u) and (ac).

### **COUNT II**

#### **FAILURE TO MAINTAIN A CONTINUOUS QUALITY IMPROVEMENT PROGRAM**

Respondent is charged with failing to maintain a continuous quality improvement program in violation of Iowa Code sections 147.55(9) and 155A.15(2)(c), (h) and 657 Iowa Administrative Code rules 8.3(1),<sup>1</sup> 8.26, and 36.1(4)(u).

### COUNT III

#### FAILURE TO HAVE SUFFICIENT POLICIES AND PROCEDURES

Respondent is charged with failing to have sufficient policies and procedures in violation of Iowa Code section 147.55(9) and 155A.15(2)(c), (h) and 657 Iowa Administrative Code rules 8.3(1), and 36.1(4)(u).

### COUNT IV

#### UNETHICAL BEHAVIOR OR PRACTICE HARMFUL OR DETRIMENTAL TO THE PUBLIC

Respondent is charged with engaging in unethical behavior or practice harmful or detrimental to the public in violation of Iowa Code section 155A.15(2)(c) and 657 Iowa Administrative Code rule 36.1(4)(c).

### D. FACTUAL CIRCUMSTANCES

1. At all times, the Respondent was an Iowa licensed pharmacy doing business at 3526 Dolphin Dr. SE, Iowa City, IA 52244.
2. A routine inspection of Pharmacy Matters LTC was conducted on May 26, 2015.
3. During the inspection, a number of deficiencies were noted, including failure to have a permanent log, operating with an expired controlled substance registration, failing to mark schedule III, IV, and V controlled substances as to who received them, failure to maintain a bulk compounding log, failure to have policies and procedures on delivery, not properly handling returns of unit dose medications, and failure to properly handle emergency schedule II controlled substances prescriptions.
4. A follow-up visit on June 2, 2015 revealed that the pharmacy had not established a continuous quality improvement program.

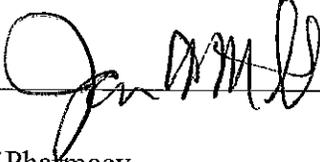
### E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at Iowa Administrative Code rule 657—36.6. If you are interested in pursuing settlement in this matter, please contact Assistant Attorney General Meghan Gavin at (515) 281-6736.

### F. FINDING OF PROBABLE CAUSE

On this 4<sup>th</sup> day of <sup>May</sup>~~April~~, 2016, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.

<sup>1</sup> This citation references the rule in place at the time of the alleged violation. This rule has since been amended. Please see the current version of Iowa Administrative Code rule 657—8.3(2), 8.3(3).



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Chairperson  
Iowa Board of Pharmacy

Copy to:

Meghan Gavin  
Assistant Attorney General  
Hoover Building, 2<sup>nd</sup> Floor  
1305 E. Walnut St.  
Des Moines, IA 50319

PLEASE NOTE: If you require the assistance of auxiliary aids or services to participate in this matter because of a disability, immediately call 515-281-5944. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942).

**ADDENDUM P**

**PROPOSED ADOPTION AND FILING**

**CHAPTER 20, "PHARMACY COMPOUNDING PRACTICES"**

**May 4, 2016**

## PHARMACY BOARD [657]

### Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Pharmacy hereby amends Chapter 20, "Compounding Practices," Iowa Administrative Code.

The amendments define the term "office use" as it relates to compounded drug products that are distributed to a qualified practitioner for administration to the practitioner's patient in the course of the practitioner's professional practice. The amendments also clarify that a practitioner receiving a compounded product for office use is not restricted to administration of the product to the practitioner's patient within the brick-and-mortar confines of the practitioner's office. If the practitioner's practice is not confined by office walls, the practitioner may administer to a patient a product distributed to the practitioner for office use if the administration occurs in the course of the practitioner's professional practice.

Requests for waiver or variance of the discretionary provisions of these rules will be considered pursuant to 657—Chapter 34.

Notice of Intended Action was published in the February 17, 2016, Iowa Administrative Bulletin as ARC 2418C. The Board received no written comments regarding the proposed amendments. The adopted amendments are identical to those published under Notice.

The amendments were approved during the May 4, 2016, meeting of the Board of Pharmacy.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 124.303, 124.306, 124.308, 126.9, 126.10, 155A.2, 155A.13, 155A.28, and 155A.35.

These amendments will become effective on July 13, 2016.

The following amendments are adopted.

ITEM 1. Adopt the following **new** definition of “Office use” in rule 657—

**20.2(124,126,155A):**

“*Office use*” means that a compounded product has been prepared and distributed to a practitioner for administration to a patient by the practitioner in the course of the practitioner’s professional practice. A compounded product distributed to a practitioner for “office use” shall not require a patient-specific prescription and may not be further distributed to another practitioner or dispensed to a patient for self-administration.

ITEM 2. Amend rule 657—20.15(124,126,155A) as follows:

**657—20.15(124,126,155A) Compounding for office use.**

**20.15(1) *Human compounded preparations.*** Only an FDA-registered outsourcing facility properly licensed in Iowa may distribute to a practitioner for office use human compounded preparations without a patient-specific prescription.

**20.15(2) *Veterinary compounded preparations.*** Veterinary compounded preparations may be sold to a practitioner for office use if compounded by an Iowa-licensed pharmacy and sold directly to the practitioner by the compounding pharmacy.

**20.15(3) *Office administration use.*** Compounded preparations distributed for office use pursuant to subrule 20.15(1) or 20.15(2) and in accordance with the labeling requirements of subrule 20.15(4) do not require a patient-specific prescription but do require that the compounded preparation be administered to ~~an individual~~ a patient in the course of the practitioner’s office professional practice. Compounded preparations distributed for office use pursuant to this rule shall not be further distributed to other practitioners or dispensed to patients for administration outside of the office a patient for self-administration.

**20.15(4) *Labeling.*** Compounded preparations for office use, in addition to the labeling

requirements specified in rule 657—20.19(124,126,155A), shall include on the prescription label the practitioner's name in place of the patient's name. The label shall state "For Office Use Only—Not for Resale." If the sterility or integrity of the compounded preparation cannot be maintained after the initial opening of the container, the label shall state "Single-Dose Only."