

State of Iowa  
**Board of Pharmacy**

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

<https://pharmacy.iowa.gov/>

Telephone: (515)281-5944 Facsimile: (515)281-4609

**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**

**June 29-30, 2016**

The Iowa Board of Pharmacy met on June 29-30, 2016, in the conference room at 400 SW Eighth Street, Des Moines, Iowa.

**WEDNESDAY, JUNE 29, 2016**

**MEMBERS PRESENT**

James Miller, Chairperson  
Sharon K. Meyer, Vice-Chair  
LaDonna Gratias  
Jason Hansel  
Edward L. Maier  
Edward J. McKenna

**MEMBERS ABSENT**

Kay Jessen

**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 Wednesday, June 29, 2016.

**Administrative Hearings**

2015-37, Wells Pharmacy Network, LLC, Nonresident Pharmacy License No. 3385, Ocala, Florida.

Wells Pharmacy Network, LLC filed a request for stay of an agency hearing with the Supreme Court of Iowa. The Supreme Court granted the motion for stay on June 28, 2016, and the administrative proceeding in this case is stayed pending the Supreme Court's resolution of the filings. Wells Pharmacy Network, LLC was represented by Michael Sellers.

**Closed Session**

At 9:06 a.m., on a motion by Edward Maier, seconded by Jason Hansel, 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 11:28 a.m., Sharon Meyer recused herself and left the room.

At 11:37 a.m., while still in closed session, Edward Maier moved that the Board go into open session, seconded by Edward McKenna. Motion approved unanimously.

Sharon Meyer rejoined the meeting.

In open session the following actions were taken:

1. Close With No Further Action.

Motion by Edward McKenna, seconded by LaDonna Gratias, to close with no further action the following investigative files in complaint numbers: 2016-21, 2016-79, 2015-198, 2016-27, 2016-44, 2016-59, 2016-63, 2016-19, 2016-61, 2016-67, 2016-71, 2016-45, 2016-9, 2016-17, 2016-60, 2016-76, and 2016-80. Motion approved unanimously.

2. Settlement Agreement and Final Order.

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

- A. 2015-184, Greenville Pharmacy, Pharmacy License No. 667 of Sioux City. A copy of the Settlement Agreement and Final Order is attached as Addendum A.
- B. 2015-184, Robert P. Rehal, Pharmacist License No. 17478 of Sioux City. A copy of the Settlement Agreement and Final Order is attached as Addendum B.
- C. 2016-23, Amy Hanen, Pharmacy Technician Registration No. 16724 of Dubuque. A copy of the Settlement Agreement and Final Order is attached as Addendum C.

3. Notice of Hearing and Statement of Charges.

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

- A. 2016-26, Wayne Fagan, Pharmacy Support Person Registration No. 2863 of Cedar Rapids. A copy of the Notice of Hearing and Statement of Charges is attached as Addendum D.

- B. 2016-57, Walgreens #4405, Pharmacy License No. 719 of Council Bluffs. A copy of the Notice of Hearing and Statement of Charges is attached as Addendum E.
- C. 2016-17, Anthony Allee, Pharmacist License No. 21301 of Omaha, Nebraska. A copy of the Notice of Hearing and Statement of Charges is attached as Addendum F.
- D. 2016-57, Craig Johnson, Pharmacy Technician Registration No. 16631 of Council Bluffs. A copy of the Notice of Hearing and Statement of Charges is attached as Addendum G.
- E. 2016-57, Stephanie Carberry, Pharmacy Technician Registration No. 17243 of Council Bluffs. A copy of the Notice of Hearing and Statement of Charges is attached as Addendum H.
- F. 2016-57, Amber Cozad, Pharmacy Technician Registration No. 17634 of Council Bluffs. A copy of the Notice of Hearing and Statement of Charges is attached as Addendum I.
- G. 2016-57, Daniel Mathew, Pharmacy Technician Registration No. 23283 of Omaha, Nebraska. A copy of the Notice of Hearing and Statement of Charges is attached as Addendum J.
- H. 2016-57, Nicole Schulz, Pharmacy Technician Registration No. 23311 of Council Bluffs. A copy of the Notice of Hearing and Statement of Charges is attached as Addendum K.

4. Voluntary Surrender.

Motion by Jason Hansel, seconded by Edward McKenna, to approve the Voluntary Cancellation Agreement for Shawn Kerby, DDS, Controlled Substance Registration No. 1418678 of West Des Moines. Motion approved unanimously. A copy of the Voluntary Cancellation Agreement is attached as Addendum L.

5. Order to Show Cause.

Motion by Edward Maier, seconded by Sharon Meyer, to approve the Order to Show Cause for case 2015-206, Benjamin Lognion, DVM, Controlled Substance Registration No. 1512025 of Beaumont, Texas. Motion approved unanimously. A copy of the Order to Show Cause is attached as Addendum M.

6. Draft Statement of Charges.

Motion by Jason Hansel, seconded by Sharon Meyer, to draft Statement of Charges against the pharmacy in 2016-50, pharmacy and pharmacist in charge in 2016-73, pharmacist in charge in 2016-66, pharmacy in 2016-58, pharmacy in 2016-32, pharmacy in 2016-37, pharmacy in 2016-39, pharmacy in 2016-40, and pharmacy in 2016-51. Motion approved unanimously.

7. Closed Session Minutes and Deliberations.

Motion by Edward McKenna, seconded by LaDonna Gratiias, to approve the Closed Session Minutes of the May 3-4, 2016, meeting, and Closed Session Deliberations of the May 3, 2016, meeting. Motion approved unanimously.

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

**Closed Session**

At 11:43 a.m., on a motion by LaDonna Gratias, 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)(f), to discuss the decision to be rendered in a contested case conducted according to the provisions of Chapter 17A.

At 11:45 a.m., while still in closed session, Edward Maier 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 Edward McKenna, seconded by Jason Hansel, to approve the Findings of Fact, Conclusions of Law, Decision and Order in case 2015-100, Minnesota Independent Cooperative, Inc., Wholesale Drug License No. 6764 of Egan, Minnesota. Motion approved unanimously. A copy of the Findings of Fact, Conclusions of Law, Decision, and Order is attached as Addendum N.

At 12:55 p.m., on a motion by Jason Hansel, seconded by LaDonna Gratias, 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 according to the provisions of Chapter 17A.

At 12:56 p.m. Sharon Meyer recused herself and left the room.

At 1:16 p.m., while still in closed session, LaDonna Gratias moved that the Board go into open session, seconded by Jason Hansel. Motion approved unanimously.

Motion by Edward McKenna, seconded by Edward Maier to grant Ryan Molander's request to register as a pharmacist-intern in the fall of 2016. Motion approved unanimously.

Sharon Meyer rejoined the board meeting.

**Administrative Hearings**

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

At 1:15 p.m., Laura Lockard, Administrative Law Judge, Department of Inspections and Appeals opened the record. Assistant Attorney General Meghan Gavin represented the State. Inie Clement did not appear before the Board. Ms. Clement was represented by Patricia Hulting. 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.

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

At 1:45 p.m., Laura Lockard, Administrative Law Judge, Department of Inspections and Appeals opened the record. Assistant Attorney General Laura Steffensmeier represented the State. Courtney House did not appear nor did counsel represent her. 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 2:01 p.m., the record was closed.

At 2:04 p.m., motion by Jason Hansel, seconded by Edward Maier, 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 according to the provisions of Chapter 17A.

At 2:13 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 Edward McKenna, seconded by Jason Hansel, to direct Administrative Law Judge Lockard to draft the Order consistent with the Board's deliberation for case 2015-25, Inie Clement. Motion approved unanimously.

Motion by Edward Maier, seconded by LaDonna Gratias, to direct Administrative Law Judge Lockard to draft the Order consistent with the Board's deliberation for case 2015-201, Courtney House. Motion approved unanimously.

At 2:15 p.m. the Board recessed.

The meeting reconvened in open session on Thursday, June 30, 2016, at 9:00 a.m.

**THURSDAY, JUNE 30, 2016**

**MEMBERS PRESENT**

James Miller, Chairperson  
Sharon K. Meyer, Vice-Chair  
LaDonna Gratias  
Jason Hansel  
Edward L. Maier  
Edward J. McKenna

**MEMBERS ABSENT**

Kay Jessen

**SPEAKERS**

Bill Cover, NABP  
Jonathan Fransen, Hy-Vee  
Brett Barker, NuCara  
Megan Myers, IPA  
Dennis Kitzman, Allen Memorial Hospital  
Brett Bieber, Baum Harmon Mercy Hospital  
Kate Gainer, IPA  
Mike Fuller, Walgreens  
Mike Andreski, Drake  
Adam Chelser, Telepharm  
Chris Tiernan, Fort Dodge

**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  
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 Thursday, June 30, 2016.

**Public Comments**

No public comments.

**Approval of Minutes**

The minutes of the May 3-4, 2016, meeting were reviewed.

Motion by Jason Hansel, seconded by Edward McKenna, to approve the open session minutes of the May 3-4, 2016, meeting as presented. Motion approved unanimously.

**Reports**

1. Executive Director's Report -

**Office/Updates**

- A. In-Office Compliance Officer – Jennifer O’Toole has accepted the In-Office Compliance Officer position and will be based out of the board office. Ms. O’Toole will also have a local territory of pharmacies and will continue to be the primary investigator for those pharmacies.
- B. Compliance Officer – Dan Sedlacek has accepted the position of Compliance Officer with the Board. Mr. Sedlacek will begin his position on Tuesday, July 5, 2016, and has been assigned to the northwestern counties in Iowa.
- C. Program Planner/Prescription Monitoring Program (PMP) Administrator – the PMP administrator position has been placed on hold. Discussion has been held regarding a pharmacist filling the position.
- D. Database Update – The first draft of the Project Charter is complete and the Business Needs Analysis is currently being refined. A projected timeline was provided for review, with September 30, 2017, as the estimated completion date for the new database.
- E. Office Lease – The board office lease is due for renewal on August 1, 2016. The Department of Administrative Services (DAS) is in the process of negotiating lease terms with the Iowa Board of Pharmacy, Iowa Dental Board, Board of Medicine, and Board of Nursing.

**Miscellaneous**

The Iowa Board of Nursing has directed the nursing staff to develop rules in collaboration with the Iowa Board of Pharmacy that would permit Advanced Registered Nurse Practitioners (ARNPs) to enter into a Collaborative Practice Agreement with pharmacists. The Iowa Board of Pharmacy will be working with the Iowa Board of Nursing to develop rules.

**Board Program**

TakeAway Program Request for Proposal – Meghan Gavin.

The Iowa Board of Pharmacy has been working with the Department of Administrative Services and issued a Request for Proposal for a vendor for the TakeAway Program. The Board received two responses and went through a review committee and scoring process as required by the state of Iowa's procurement process. The Board issued intent to award contract letters to both vendors.

A contract was offered to the Iowa Pharmacy Association (IPA) to supply non-controlled substance receptacles, which is currently being used for the TakeAway Program. A contract to supply DEA-compliant controlled substance receptacles was offered to another vendor.

The current contract with IPA will terminate on June 30, 2016. New contracts would have began on July 1, 2016, but IPA has appealed the intent to award the contracts and contract negotiations are stayed. The appeal process will delay the execution of the contracts. A hearing is set for August 11, 2016. A decision regarding the appeal will be decided by an Administrative Law Judge.

As part of the current contract through IPA, the Board pre-purchased receptacles. The program will continue beginning July 1, 2016, with board staff assuming the responsibility of administering the program. It is estimated that there are enough receptacles to administer the program until October 2016.

2. FY17 Revenue Report Through July 1, 2016.

The FY17 Revenue Report was provided for review and discussion.

3. FY17 Financial Statement as of July 1, 2016.

The FY17 Financial Statement was provided for review and discussion.

4. 2016 National Association of Boards of Pharmacy's (NABP) 112<sup>th</sup> Annual Meeting Summary.

The National Association of Boards of Pharmacy's (NABP) 112<sup>th</sup> Annual Meeting was held on May 14-17, 2016, in San Diego, California. James Miller, Sharon Meyer, Jason Hansel, and Andrew Funk attended the meeting.

5. 2016 NABP District 5 Meeting – Lincoln, Nebraska.

NABP's District 5 Meeting will be held in Lincoln, Nebraska on August 4-6, 2016. Sharon Meyer, Jim Wolfe, Curt Gerhold, Edward McKenna, and Andrew Funk plan to attend the meeting.

6. 2017 NABP District 5 Meeting – West Des Moines.

The Iowa Board of Pharmacy will be hosting the NABP District 5 Meeting in August of 2017. The meeting will be held at the Holiday Inn on Mills Civic Parkway, in West Des Moines.

7. Jean Rhodes will be attending NABP's Critical Point's Sterile Compounding Inspector Certification Training in New Jersey, on July 19-21, 2016.

8. Carl E. Olsen vs. Iowa Board of Pharmacy – Legal Update, Meghan Gavin.

Meghan Gavin provided an update regarding Carl Olsen’s appeal to the Iowa District Court.

9. NABP e-Profile Presentation – Bill Cover, R.Ph., Member Relations and Government Affairs Director.

NABP’s mission is to assist state boards of pharmacy in public protection. Mr. Cover provided a presentation on NABP’s Verified Pharmacy Program, e-Profile Connect, and various services, accreditations, and certifications available through NABP.

10. Iowa Pharmacy Technician Education: Development of an Accredited Education Program in Iowa – Maureen Donovan.

Maureen Donovan provided a presentation and timeline on a proposed Unified Pharmacy Technician Education Program for the state of Iowa.

11. Iowa Monitoring Program for Pharmacy Professionals (IMP3).

A. Information.

1. Beginning July 1, 2016, the Iowa Board of Pharmacy will work with the Board of Medicine to manage IMP3.
2. A copy of the IPRN Questions and Answers Spring 2016 Meeting was provided for review.
3. A copy of the IMP3 brochure was provided for review.
4. Debbie Jorgenson is working on developing a logo for the IMP3. Ms. Jorgenson will be working with the Office of the Chief Information Officer (OCIO) to develop a website for the program.

B. IMP3 FY2017 Budget.

The IMP3 FY2017 budget was provided for review and discussion.

C. Committee Confirmations.

Motion by Edward Maier, seconded by Edward McKenna, to approve Andrew Funk, Executive Director, Iowa Board of Pharmacy; Renae Chestnut, Dean, Drake University College of Pharmacy and Health Sciences; Jeff Reist, Faculty, University of Iowa College of Pharmacy; Bruce Alexander, R.Ph.; Charles V. Wadle, D.O.; Amanda Latta, R.Ph.; Tracy C. Petersen, R.Ph.; Deana Schuplin, LMHC, ACADC; and Trevor Petersma, Public Member to serve on the IMP3 Committee.

D. Current Iowa Pharmacy Recovery Network (IPRN) Participants – Modifications to Board Orders.

Motion by Jason Hansel, seconded by Edward McKenna, to approve modifications to the Findings of Fact, Conclusions of Law, Decision, and Orders and Settlement Agreement and Final Order currently under Board order to participate in IPRN. Copies of the Orders are attached as Addendum O (Nielcen), Addendum P (Prashad), Addendum Q (Sarrazin), Addendum (R) Cottingham, and Addendum (S) Latta.

12. Hy-Vee Pharmacy Fulfillment Center 1<sup>st</sup> Quarter 2016 Error Report.  
Hy-Vee Pharmacy Fulfillment Center submitted their 1<sup>st</sup> Quarter 2016 Error Report for review.
13. 2015 Zearing Telepharmacy End of Year Summary Report – Nick Dahlke, NuCara Pharmacy.  
NuCara Telepharmacy provided their End of Year Summary Report for review.
14. New Practice Model Combined Quarterly Report – Megan Myers, Iowa Pharmacy Association.  
The New Practice Model Combined Quarterly Report was provided for review. Megan Myers provided a summary of the report.
15. Iowa on Alert for New Class of Dangerous Synthetic Drugs – Iowa Department of Public Health.  
The Iowa Board of Pharmacy supports notification to the public through the news release process.

### Requests

1. Request for Waiver – 657 I.A.C. 20.4 Sterile Compounding – Mike Zadina, Council Bluffs.  
Motion by Edward McKenna, seconded by LaDonna Gratiyas, to approve the request for waiver until December 31, 2016. Motion approved unanimously.
2. Request for Waiver - 657 I.A.C. 20.4 Sterile Compounding – Green County Medical Center, Jefferson.  
Motion by Edward Maier, seconded by Jason Hansel, to approve the request for waiver until December 31, 2016. Motion approved unanimously.
3. Request for Waiver – 657 I.A.C. 20.4 Sterile Compounding – Allen Memorial Hospital Pharmacy, Waterloo.  
Motion by Edward McKenna, seconded by Edward Maier, to approve the request for waiver until December 31, 2016. Motion approved unanimously.
4. Request for Waiver – 657 I.A.C. 5.17 Tasks a Pharmacy Support Person Shall Not Perform – Kathy J. Lee, Des Moines Central Correctional Pharmacy, Mitchellville.  
Motion by Edward Maier, seconded by Jason Hansel, to deny the request for waiver and notify accommodations can be requested for testing. Motion approved unanimously.
5. Request for Waiver – 657 I.A.C. 9.15(2) Bar Coding or Technology-Based Verification is Available and Used – Baum Harmon Mercy Hospital, Sioux City.  
Motion by Edward Maier, seconded by Sharon Meyer, to approve the request for waiver as submitted. Motion approved unanimously.
6. Removal of Disciplinary Documents: Carrie Carrithers.  
The Board took no formal action on this item.

7. New Practice Model Phase 3 – Megan Myers and Kate Gainer, Iowa Pharmacy Association.

Motion by Edward Maier, seconded by LaDonna Gratias, to approve the Phase 3 pilot project for 18 months from the date of the Order with the reporting of pharmacist's hours and requiring final show-and-tell. Motion approved unanimously.

8. New Practice Model Phase 4: Mercy Family Pharmacy's Request to Join Phase 4.

Motion by Edward Maier, seconded by Jason Hansel, to approve Mercy Family Pharmacy's request to join Phase 4 of the New Practice Model. James Miller recused himself. Motion passed.

**Request - Rania J. Robinson, Cedar Rapids**

At 12:30 p.m., motion by Edward Maier, seconded by Jason Hansel, 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 according to the provisions of Chapter 17A.

At 12:40 p.m., while still in closed session, Edward Maier moved that the Board go into open session, seconded by Jason Hansel. Motion approved unanimously. Motion by Jason Hansel, seconded by Edward McKenna, to grant Ms. Robinson's request. Motion approved unanimously.

**Rules**

1. Termination of Notice of Intended Action Proposing to Amend - Chapter 7, "Hospital Pharmacy Practice."

Motion by Edward Maier, seconded by Jason Hansel, to approve termination of Notice of Intended Action proposing to amend Chapter 7, "Hospital Pharmacy Practice." Motion approved unanimously. A copy is attached as Addendum T.

2. Notice of Intended Action - Amend Chapter 8, "Universal Practice Standards," and Adopt New Chapter 13, "Telepharmacy Practice."

The public addressed the Board with their comments.

Motion by Jason Hansel, seconded by Sharon Meyer, to approve for filing Notice of Intended Action. Motion approved unanimously. A copy is attached as Addendum U.

3. Notice of Intended Action to Rescind Chapter 30, "Impaired Pharmacy Professional and Technician Recovery Program," and Adopt New Chapter 30, "Iowa Monitoring Program for Pharmacy Professionals."

Motion by LaDonna Gratias, seconded by Edward McKenna, to approve for filing Notice of Intended Action. Motion approved unanimously. A copy is attached as Addendum V.

4. Proposed for Adoption and Filing, Chapter 21, "Electronic Data in Pharmacy Practice."

Motion by Edward Maier, seconded by LaDonna Gratias, to approve for Adoption and Filing. Motion approved unanimously. A copy is attached as Addendum W.

**Licensure/Registrations**

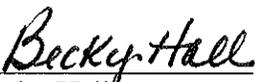
1. Garry N. Adams, Coralville – Initial Pharmacy Support Person Registration Application.  
Motion by Edward Maier, seconded by Edward McKenna, to approve the Initial Pharmacy Support Person Registration Application. Motion approved unanimously.
2. Matthew Hartung, Wilton – Initial Pharmacy Support Person Registration Application.  
Motion by Edward Maier, seconded by Edward McKenna, to approve the Initial Pharmacy Support Person Registration Application. Motion approved unanimously.
3. Phillip Moist, Lombard, Illinois – Application for Licensure by Examination.  
Motion by Edward Maier, seconded by Edward McKenna, to require Mr. Moist to register as a pharmacist-intern and complete 1,500 hours of internship in a board-approved Iowa pharmacy prior to taking the NAPLEX and MPJE Examinations. Motion approved unanimously.

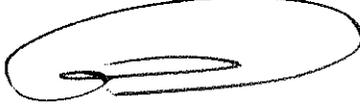
**Complaints Against Non-Licensees**

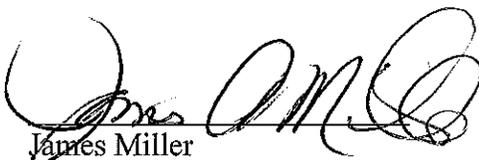
2016-88, Hornbill Asian Market, Waterloo.

This item was tabled.

Motion by Edward Maier, seconded by Jason Hansel, to adjourn at 1:35 p.m. on June 30, 2016.

  
Becky Hall  
Recording Secretary

  
Andrew Funk  
Executive Director

  
James Miller  
Board Chair

APPROVED THIS 31 DAY OF August, 2016.

**ADDENDUM A  
SETTLEMENT AGREEMENT  
AND  
FINAL ORDER**

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

**BEFORE THE IOWA BOARD OF PHARMACY**

---

Re:	)	CASE NO. 2015-184
Pharmacy License of	)	
<b>GREENVILLE PHARMACY</b>	)	<b>SETTLEMENT AGREEMENT</b>
License No. 667	)	<b>AND FINAL ORDER</b>
Respondent.	)	

---

Pursuant to Iowa Code sections 17A.12(5) and 272C.3(4) (2015), and 657 IAC 36.6, the Iowa Board of Pharmacy ("Board") and Greenville 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 May 4, 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 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 is hereby **CITED** for fraud in procuring a license 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.

14. Respondent shall pay a **CIVIL PENALTY** in the amount of five hundred dollars (\$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.

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 16 day of May, 2016.

  
\_\_\_\_\_  
GREENVILLE PHARMACY  
Respondent

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

This Settlement Agreement and Final Order is approved by the Iowa Board of Pharmacy on the  
30<sup>th</sup> day of June, 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

**ADDENDUM B  
SETTLEMENT AGREEMENT  
AND  
FINAL ORDER**

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

**BEFORE THE IOWA BOARD OF PHARMACY**

---

Re:	)	CASE NO. 2015-184
Pharmacist License of	)	
<b>ROBERT P. REHAL</b>	)	<b>SETTLEMENT AGREEMENT</b>
License No. 17478	)	<b>AND FINAL ORDER</b>
Respondent.	)	

---

Pursuant to Iowa Code sections 17A.12(5) and 272C.3(4) (2015), and 657 IAC 36.6, the Iowa Board of Pharmacy ("Board") and Robert P. Rehal ("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 May 4, 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 he 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 is hereby **CITED** for fraud in procuring a license 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.

14. Respondent shall pay a **CIVIL PENALTY** in the amount of five hundred dollars (\$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.

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 16 day of May, 2016.

  
\_\_\_\_\_  
ROBERT P. REHAL  
Respondent

This Settlement Agreement and Final Order is approved by the Iowa Board of Pharmacy on the 30<sup>th</sup> day of June, 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

**ADDENDUM C**  
**SETTLEMENT AGREEMENT**  
**AND**  
**FINAL ORDER**  
  
**AMY HANEN**  
**PHARMACY TECHNICIAN REGISTRATION NO. 16724**  
**DUBUQUE, IOWA**

**BEFORE THE IOWA BOARD OF PHARMACY**

---

Re:	)	CASE NO. 2016-23
Certified Technician Registration of	)	
	)	<b>SETTLEMENT AGREEMENT</b>
<b>AMY HANEN</b>	)	<b>AND FINAL ORDER</b>
Registration No. 16724	)	
Respondent.	)	

---

Pursuant to Iowa Code sections 17A.12(5) and 272C.3(4) (2015), and 657 IAC 36, the Iowa Board of Pharmacy ("Board") and Amy Hanen ("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 May 4, 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.

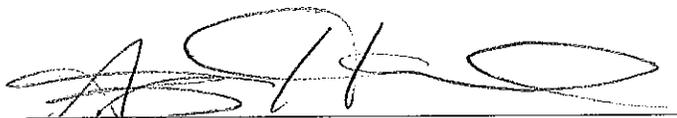
13. This voluntary surrender is considered discipline and, when accepted by the Board, has the same force and effect as an order of revocation under 657 IAC 36.15. Respondent may not request reinstatement for at least one year from the date of this Order.

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 16 day of May, 2016.

  
\_\_\_\_\_  
AMY HANEN  
Respondent

This Settlement Agreement and Final Order is approved by the Iowa Board of Pharmacy on the 30<sup>th</sup> day of June, 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 D**  
**NOTICE OF HEARING**  
**AND**  
**STATEMENT OF CHARGES**

**WAYNE FAGAN**  
**PHARMACY SUPPORT PERSON REGISTRATION NO. 2863**  
**CEDAR RAPIDS, IOWA**

**BEFORE THE IOWA BOARD OF PHARMACY**

---

Re:	)	CASE NOS. 2016-20 & 2016-26
Pharmacy Support Person Registration of	)	
<b>WAYNE FAGAN</b>	)	<b>NOTICE OF HEARING AND</b>
Registration No. 2863	)	<b>STATEMENT OF CHARGES</b>
Respondent.	)	

---

**COMES NOW** the Iowa Board of Pharmacy ("Board") and files this Notice of Hearing and Statement of Charges against Wayne Fagan ("Respondent"), 1015 10<sup>th</sup> St. SW, Cedar Rapids, Iowa 52404, 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 support person registration number 2863 is currently delinquent, having expired April 30, 2016.

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

Hearing. A disciplinary contested case hearing shall be held on August 30, 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 CRIMINAL CONVICTIONS**

Respondent is charged with conviction of a crime related to the profession or occupation of the licensee or the conviction of any crime that would affect the licensee's ability to practice within a profession, pursuant to Iowa Code sections 147.55(5) and 155A.6B(5), and 657 IAC 5.26 and 36.1(4)"u".

## COUNT II

### HABITUAL INTOXICATION/ADDICTION TO DRUGS

Respondent is charged with habitual intoxication or addiction to the use of drugs, pursuant to Iowa Code sections 147.55(4) and 155A.6B(5), and 657 IAC 5.26 and 36.1(4)"d".

#### D. FACTUAL CIRCUMSTANCES

1. Respondent was issued a pharmacy support person registration in April of 2014.
2. Respondent has the following criminal convictions in Linn County, Iowa, that occurred since the issuance of his pharmacy support person registration:
  - a. Trespass on August 31, 2014;
  - b. Theft-5<sup>th</sup> degree on September 5, 2014;
  - c. Operating while under the influence on November 21, 2014;
  - d. Public intoxication on February 21, 2015;
  - e. Public intoxication on June 26, 2015;
  - f. Operating while under the influence on August 6, 2015;
  - g. Harassment-3<sup>rd</sup> degree on September 9, 2015;
  - h. Theft-5<sup>th</sup> degree on September 9, 2015;
  - i. Possession of a controlled substance-marijuana on October 14, 2015;
  - j. Trespass on October 14, 2015;
  - k. Theft-5<sup>th</sup> degree on January 8, 2016;
  - l. Forgery on January 12, 2016;
  - m. Burglary-2<sup>nd</sup> degree on January 12, 2016; and
  - n. Unauthorized use of credit card-under \$1000 on January 12, 2016.
3. Respondent's numerous convictions involving alcohol and drugs lead the Board to conclude that Respondent is habitually intoxicated and/or addicted to the use of drugs.

#### 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 30<sup>th</sup> day of June, 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 E**  
**NOTICE OF HEARING**  
**AND**  
**STATEMENT OF CHARGES**

**WALGREENS PHARMACY #4405**  
**PHARMACY LICENSE NO. 719**  
**COUNCIL BLUFFS, IOWA**

**BEFORE THE IOWA BOARD OF PHARMACY**

---

Re:	)	CASE NO. 2016-57
Pharmacy License of	)	
<b>WALGREENS #4405</b>	)	<b>NOTICE OF HEARING AND</b>
License No. 719	)	<b>STATEMENT OF CHARGES</b>
Respondent.	)	

---

**COMES NOW** the Iowa Board of Pharmacy ("Board") and files this Notice of Hearing and Statement of Charges against Walgreens #4405 ("Respondent"), 2508 W Broadway, Council Bluffs, IA 51501, 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 719 is currently active through December 31, 2016.

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

Hearing. A disciplinary contested case hearing shall be held on August 30, 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**

#### **EMPLOYING TECHNICIANS WITHOUT PROPER REGISTRATIONS**

Respondent is charged with violating rules 657 IAC 3.3, 8.3(2), 8.3(3)"a", which require pharmacy technicians to maintain current registrations and place responsibility on the pharmacy for ensuring compliance, pursuant to Iowa Code sections 147.55(9) and 155A.15(2)"c", and 657 IAC 36.1(4)"u".

**D. FACTUAL CIRCUMSTANCES**

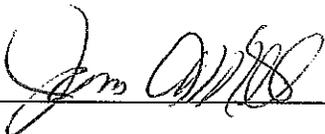
1. On April 6, 2016, Respondent underwent a routine pharmacy inspection.
2. The inspection uncovered the following as it relates to technician registrations:
  - One technician on duty with an expired registration since November 30, 2013;
  - One technician on duty with an expired registration since March 31, 2014;
  - One technician on duty with an expired registration since March 31, 2016;
  - One technician on duty who had never registered with the Board, yet had worked at the pharmacy for approximately two years; and
  - One technician who was not on duty with an expired registration since April 30, 2014.

**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 30<sup>th</sup> day of June, 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 F**  
**NOTICE OF HEARING**  
**AND**  
**STATEMENT OF CHARGES**

**ANTHONY ALLEE**  
**PHARMACIST LICENSE NO. 21301**  
**OMAHA, NEBRASKA**

**BEFORE THE IOWA BOARD OF PHARMACY**

---

Re:	)	CASE NO. 2016-57
Pharmacist License of	)	
	)	<b>NOTICE OF HEARING AND</b>
<b>ANTHONY ALLEE</b>	)	<b>STATEMENT OF CHARGES</b>
License No. 21301	)	
Respondent.	)	

---

**COMES NOW** the Iowa Board of Pharmacy ("Board") and files this Notice of Hearing and Statement of Charges against Anthony Allee ("Respondent"), 4014 Nicholas Street, Omaha, Nebraska 68131, 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 21301 is currently active through June 30, 2016.

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

Hearing. A disciplinary contested case hearing shall be held on August 30, 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**

#### **EMPLOYING TECHNICIANS WITHOUT PROPER REGISTRATIONS**

Respondent is charged with violating rules 657 IAC 3.3, 8.3(1), 8.3(3)"a", which require pharmacy technicians to maintain active registrations and place responsibility on the pharmacist in charge for ensuring compliance, pursuant to Iowa Code sections 147.55(9) and 155A.12(1), and 657 IAC 36.1(4)"u".

#### D. FACTUAL CIRCUMSTANCES

1. On April 6, 2016, Respondent was pharmacist in charge at Walgreens #4405 in Council Bluffs, Iowa.
2. On April 6, 2016, Walgreens #4405 underwent a routine pharmacy inspection.
3. The inspection uncovered the following as it relates to technician registrations:
  - One technician on duty with an expired registration since November 30, 2013;
  - One technician on duty with an expired registration since March 31, 2014;
  - One technician on duty with an expired registration since March 31, 2016;
  - One technician on duty who had never registered with the Board, yet had worked at the pharmacy for approximately two years; and
  - One technician who was not on duty with an expired registration since April 30, 2014.

#### 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 30<sup>th</sup> day of June, 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 G**  
**NOTICE OF HEARING**  
**AND**  
**STATEMENT OF CHARGES**

**CRAIG JOHNSON**  
**PHARMACIST LICENSE NO. 16631**  
**COUNCIL BLUFFS, IOWA**

**BEFORE THE IOWA BOARD OF PHARMACY**

---

Re:	)	CASE NO. 2016-57
Certified Technician Registration of	)	
<b>CRAIG JOHNSON</b>	)	<b>NOTICE OF HEARING AND</b>
Registration No. 16631	)	<b>STATEMENT OF CHARGES</b>
Respondent.	)	

---

**COMES NOW** the Iowa Board of Pharmacy ("Board") and files this Notice of Hearing and Statement of Charges against Craig Johnson ("Respondent"), 4136 Avenue B, Council Bluffs, Iowa 51501, 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 certified pharmacy technician registration number 16631 is currently active through April 30, 2018.

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

Hearing. A disciplinary contested case hearing shall be held on August 30, 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**

#### **WORKING WITHOUT CURRENT REGISTRATION**

Respondent is charged with failing to maintain a current technician registration with the board while being employed as a technician in violation of 657 IAC 3.3, pursuant to Iowa Code sections 147.55(9) and 155A.6A(5), and 657 IAC 36.1(4)"v".

#### D. FACTUAL CIRCUMSTANCES

1. On April 6, 2016, Respondent was employed as a technician at Walgreens #4405 in Council Bluffs, Iowa.
2. On April 6, 2016, Walgreens #4405 underwent a routine pharmacy inspection.
3. Respondent was not on duty at the time of the inspection, but the inspection revealed that Respondent's technician registration had expired on April 30, 2014.

#### 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 30<sup>th</sup> day of June, 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 H**  
**NOTICE OF HEARING**  
**AND**  
**STATEMENT OF CHARGES**

**STEPHANIE CARBERRY**  
**PHARMACY TECHNICIAN REGISTRATION NO. 17243**  
**COUNCIL BLUFFS, IOWA**

**BEFORE THE IOWA BOARD OF PHARMACY**

---

Re:	)	CASE NO. 2016-57
Certified Technician Registration of	)	
	)	<b>NOTICE OF HEARING AND</b>
<b>STEPHANIE CARBERRY</b>	)	<b>STATEMENT OF CHARGES</b>
Registration No. 17243	)	
Respondent.	)	

---

**COMES NOW** the Iowa Board of Pharmacy ("Board") and files this Notice of Hearing and Statement of Charges against Stephanie Carberrry ("Respondent"), 1037 Simms Avenue, Council Bluffs, Iowa 50503, 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 certified pharmacy technician registration number 17243 is currently active through January 31, 2018.

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

Hearing. A disciplinary contested case hearing shall be held on August 30, 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**

#### **WORKING WITHOUT CURRENT REGISTRATION**

Respondent is charged with failing to maintain a current technician registration with the board while being employed as a technician in violation of 657 IAC 3.3, pursuant to Iowa Code sections 147.55(9) and 155A.6A(5), and 657 IAC 36.1(4)"v".

**D. FACTUAL CIRCUMSTANCES**

1. On April 6, 2016, Respondent was employed as a technician at Walgreens #4405 in Council Bluffs, Iowa.
2. On April 6, 2016, Walgreens #4405 underwent a routine pharmacy inspection and Respondent was on duty as a technician.
3. Respondent's technician registration with the board expired on March 31, 2014.

**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 30<sup>th</sup> day of June, 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**

**AMBER COZAD**  
**PHARMACY TECHNICIAN REGISTRATION NO. 17634**  
**COUNCIL BLUFFS, IOWA**

**BEFORE THE IOWA BOARD OF PHARMACY**

---

Re:	)	CASE NO. 2016-57
Certified Technician Registration of	)	
	)	<b>NOTICE OF HEARING AND</b>
<b>AMBER COZAD</b>	)	<b>STATEMENT OF CHARGES</b>
Registration No. 17634	)	
Respondent.	)	

---

**COMES NOW** the Iowa Board of Pharmacy ("Board") and files this Notice of Hearing and Statement of Charges against Amber Cozad ("Respondent"), 4517 Chapel Ridge Lane Apartment 7, Council Bluffs, Iowa 51501, 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 certified pharmacy technician registration number 17634 is currently active through March 31, 2018.

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

Hearing. A disciplinary contested case hearing shall be held on August 30, 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**

#### **WORKING WITHOUT CURRENT REGISTRATION**

Respondent is charged with failing to maintain a current technician registration with the board while being employed as a technician in violation of 657 IAC 3.3, pursuant to Iowa Code sections 147.55(9) and 155A.6A(5), and 657 IAC 36.1(4)"v".

## **D. FACTUAL CIRCUMSTANCES**

1. On April 6, 2016, Respondent was employed as a technician at Walgreens #4405 in Council Bluffs, Iowa.
2. On April 6, 2016, Walgreens #4405 underwent a routine pharmacy inspection and Respondent was on duty as a technician.
3. Respondent's technician registration with the board expired on March 31, 2016.

#### 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 30<sup>th</sup> day of June, 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**  
**NOTICE OF HEARING**  
**AND**  
**STATEMENT OF CHARGES**

**DANIEL MATHEW**  
**PHARMACY TECHNICIAN REGISTRATION NO. 23283**  
**OMAHA, NEBRASKA**

**BEFORE THE IOWA BOARD OF PHARMACY**

---

Re:	)	CASE NO. 2016-57
Certified Technician Registration of	)	
<b>DANIEL MATHEW</b>	)	<b>NOTICE OF HEARING AND</b>
Registration No. 23283	)	<b>STATEMENT OF CHARGES</b>
Respondent.	)	

---

**COMES NOW** the Iowa Board of Pharmacy ("Board") and files this Notice of Hearing and Statement of Charges against Daniel Mathew ("Respondent"), 7108 N 112<sup>th</sup> Court Lot 369, Omaha, Nebraska 68142, 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 certified pharmacy technician registration number 23283 is currently active through January 31, 2018.

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

Hearing. A disciplinary contested case hearing shall be held on August 30, 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

#### WORKING WITHOUT CURRENT REGISTRATION

Respondent is charged with failing to maintain a current technician registration with the board while being employed as a technician in violation of 657 IAC 3.3, pursuant to Iowa Code sections 147.55(9) and 155A.6A(5), and 657 IAC 36.1(4)"v".

**D. FACTUAL CIRCUMSTANCES**

1. On April 6, 2016, Respondent was employed as a technician at Walgreens #4405 in Council Bluffs, Iowa. Respondent had been employed as a technician at that location for approximately two years.

2. On April 6, 2016, Walgreens #4405 underwent a routine pharmacy inspection and Respondent was on duty as a technician.

3. At the time of the inspection, Respondent had never registered with the Board as a technician. Respondent has since been issued a technician registration.

**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 30<sup>th</sup> day of June, 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 K**  
**NOTICE OF HEARING**  
**AND**  
**STATEMENT OF CHARGES**

**NICOLE SCHULZ**  
**PHARMACY TECHNICIAN REGISTRATION NO. 23311**  
**COUNCIL BLUFFS, IOWA**

**BEFORE THE IOWA BOARD OF PHARMACY**

---

Re:	)	CASE NO. 2016-57
Certified Technician Registration of	)	
<b>NICOLE SCHULZ</b>	)	<b>NOTICE OF HEARING AND</b>
Registration No. 23311	)	<b>STATEMENT OF CHARGES</b>
Respondent.	)	

---

**COMES NOW** the Iowa Board of Pharmacy ("Board") and files this Notice of Hearing and Statement of Charges against Nicole Schulz ("Respondent"), 423 Union Street, Council Bluffs, Iowa 51503, 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 certified pharmacy technician registration number 23311 is currently active through November 30, 2017.

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

Hearing. A disciplinary contested case hearing shall be held on August 30, 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**

#### **WORKING WITHOUT CURRENT REGISTRATION**

Respondent is charged with failing to maintain a current technician registration with the board while being employed as a technician in violation of 657 IAC 3.3, pursuant to Iowa Code sections 147.55(9) and 155A.6A(5), and 657 IAC 36.1(4)"v".

**D. FACTUAL CIRCUMSTANCES**

1. On April 6, 2016, Respondent was employed as a technician at Walgreens #4405 in Council Bluffs, Iowa.
2. On April 6, 2016, Walgreens #4405 underwent a routine pharmacy inspection and Respondent was on duty as a technician.
3. Respondent's technician registration with the board expired on November 30, 2013.

**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 30<sup>th</sup> day of June, 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 L**

**VOLUNTARY CANCELLATION AGREEMENT**

**SHAWN KERBY, DDS**

**CONTROLLED SUBSTANCE REGISTRATION NO. 1418678**

**WEST DES MOINES, IOWA**

**BEFORE THE IOWA BOARD OF PHARMACY**

---

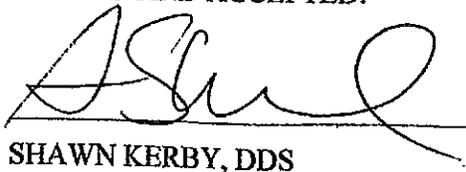
IN THE MATTER OF	)	
	)	<b>VOLUNTARY CANCELLATION</b>
<b>SHAWN KERBY, DDS</b>	)	<b>AGREEMENT</b>
CSA Registration No. 1418678	)	

---

**COME NOW** the Iowa Board of Pharmacy ("Board") and Shawn Kerby ("Registrant") and enter into this Voluntary Cancellation Agreement ("Agreement") and state as follows:

1. Registrant holds Controlled Substances Act ("CSA") registration #1418678 with the Board. CSA registration #1418678 is active and set to expire on December 31, 2017.
2. On April 21, 2016, Registrant voluntarily surrendered his DEA registration.
3. Under Iowa Code section 124.304(1)(b), the Board may suspend, revoke, or restrict a registration if the registrant has had the registrant's federal registration suspended, revoked, or restricted. .
4. Because of the voluntary surrender, and in lieu of a show cause hearing, Registrant wishes to cancel his CSA registration effective immediately upon execution of this Agreement.
5. Registrant understands that he may not prescribe controlled substances until such time as Registrant obtains an active CSA registration with the Iowa Board of Pharmacy and an active DEA registration.
6. Nothing shall prohibit Registrant from applying for a new CSA registration with the Board if and when he obtains a valid DEA registration.
7. Registrant acknowledges that he has read this Agreement in its entirety, understands its content, and is executing this Agreement freely and voluntarily. Registrant acknowledges that he has a right to be represented by counsel on this matter.
8. Registrant understands that this Agreement is a public record available for inspection and copying in accordance with Iowa Code chapter 22

AGREED AND ACCEPTED:

  
SHAWN KERBY, DDS

Dated this 9 day of  
May, 2016

  
CHAIRPERSON

IOWA BOARD OF PHARMACY  
Dated this 30<sup>th</sup> day of

June, 2016

**ADDENDUM M**

**ORDER TO SHOW CAUSE**

**BENJAMIN LOGNION, DVM**

**CONTROLLED SUBSTANCE REGISTRATION NO. 1512025**

**BEAUMONT, TEXAS**

**BEFORE THE IOWA BOARD OF PHARMACY**

---

Re: ) CASE NO. 2015-206  
Controlled Substances Act Registration of )  
) **ORDER TO SHOW CAUSE**  
**BENJAMIN LOGNION, DVM** )  
Registration No. 1512025 )  
Respondent. )

---

TO: Benjamin Lognion, DVM  
2396 Dowlen Rd.  
Beaumont, TX 77706

**NOTICE:**

To request a hearing regarding the revocation of your Controlled Substances Act 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 Substances Act Registration will be REVOKED.

**I. JURISDICTION**

Pursuant to Iowa Code chapter 124 (2015) and 657 IAC chapter 10, the Iowa Board of Pharmacy ("Board") has jurisdiction over practitioners who dispense any controlled substances or conduct research with controlled substances in Iowa. The Board issued Benjamin Lognion ("Respondent") Controlled Substances Act Registration number 1512025 in July of 2014, subject to the laws of the State of Iowa and the rules of the Board. Controlled Substances Act Registration number 1512025 is currently delinquent, having expired on March 31, 2016. Pursuant to the provisions of Iowa Code sections 124.304 and 124.305 (2015) and 657 IAC 10.12, you are hereby ordered to show cause why Controlled Substances Act Registration number 1512025 should not be revoked.

**II. FACTUAL CIRCUMSTANCES SUPPORTING ORDER TO SHOW CAUSE**

1. The Iowa Board of Veterinary Medicine issued Respondent a temporary permit to practice as a veterinary medicine resident in July of 2014, which is currently active through July 15, 2016. The Board issued Respondent a Controlled Substances Act Registration in July of 2014, which is currently delinquent, having expired on March 31, 2016.

2. In July of 2014, Respondent began an Equine Surgery Residency at Iowa State University.

3. On multiple occasions in April and May of 2015, Respondent removed syringes of butorphanol from the Omnicell that cannot be accounted for:

- a. Respondent indicated some of the syringes were used on clients of other veterinarians but the use of butorphanol was contraindicated in those particular cases and the administration of butorphanol was not documented.
  - b. Respondent admitted that he did not know the whereabouts of approximately three syringes of butorphanol that he removed from the Omnicell.
  - c. Respondent utilized the Omnicell passcode of another veterinarian to serve as a witness for his removal of butorphanol. The other veterinarian denies ever witnessing the removal of butorphanol by Respondent.
  - d. Transaction records from the Omnicell indicate that several of the butorphanol syringes that were removed were returned to the machine minutes after removal. Laboratory analyses on fifteen of the returned syringes indicated undetectable levels of butorphanol.
4. Respondent resigned his residency position and relocated to Texas, where he holds an active license to practice veterinary medicine.

### **III. LEGAL GROUNDS FOR ORDER TO SHOW CAUSE**

1. Iowa Code section 124.304(1)"d" and 657 IAC 10.12(1)"d" authorize the Board to suspend, revoke, or restrict a Controlled Substances Act Registration if the registrant has committed such acts as would render the registrant's registration under Iowa Code section 124.303 inconsistent with the public interest as determined by that section. Under Iowa Code section 124.303 and 657 IAC 10.12(4), the Board shall consider all of the following factors in determining the public interest: maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels; compliance with applicable state and local law; any convictions under any federal and state laws relating to any controlled substance; past experience in the manufacture or distribution of controlled substances, and the existence in the applicant's establishment of effective controls against diversion; furnishing of false or fraudulent materials in any application filed under Iowa Code Chapter 124; suspension or revocation of a federal registration to manufacture, distribute, or dispense controlled substances as authorized by federal law; and any other factors relevant to and consistent with the public health and safety.

2. The Board has the authority to discipline registrants for any of the following:
- a. Diverting prescription drugs from a pharmacy for personal use or for distribution, pursuant to 657 IAC 36.1(4)"ak";
  - b. Distribution of drugs for other than lawful purposes, which includes but is not limited to, the disposition of drugs in violation of Iowa Code chapters 124, 126, and 155A, pursuant to 657 IAC 36.1(4)"h"; and

- c. Failing to create and maintain complete and accurate records as required by state or federal law, regulation, or rule of the board, pursuant to 657 IAC 36.1(4)"ac". Board rule 657 IAC 10.17 requires individuals who administer a controlled substance from a non-patient-specific stock supply to personally document each dose administered, wasted, or returned to the pharmacy.

#### IV. ORDER TO SHOW CAUSE

Respondent is hereby ordered to show cause why Controlled Substances Act Registration number 1512025 should not be revoked.

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, 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 Substances Act Registration number 1512025 will be REVOKED.**

IT IS SO ORDERED on this 30<sup>th</sup> day of June, 2016.



Chairperson  
Iowa Board of Pharmacy

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

**ADDENDUM N**

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

**MINNESOTA INDEPENDENT COOPERATIVE, INC.  
WHOLESALE DRUG LICENSE NO. 6764  
EAGAN, MINNESOTA**

BEFORE THE IOWA BOARD OF PHARMACY

---

IN THE MATTER OF:	)	
	)	Docket No. 2015-100
Wholesale Drug License of	)	DIA No. 15PHB027
<b>MINNESOTA INDEPENDENT</b>	)	
<b>COOPERATIVE, INC.</b>	)	
License No. 6764,	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW,</b>
Respondent.	)	<b>DECISION, AND ORDER</b>
	)	

---

**STATEMENT OF THE CASE**

On November 4, 2015, the Iowa Board of Pharmacy (Board) found probable cause to file a Notice of Hearing and Statement of Charges against Respondent Minnesota Independent Cooperative, Inc. The Statement of Charges alleges two counts: 1) Out-of-State Discipline; and 2) Failure to Notify of Closing.

A hearing was held on May 3, 2016. The following members of the Board presided at the hearing: James Miller, Chairperson; LaDonna Gratiias; Edward McKenna; Jason Hansel; and Kay Jessen. Assistant attorney general Laura Steffensmeier represented the State. Respondent Minnesota Independent Cooperative, Inc. was served by publication in the Des Moines Register on February 12, February 19, and February 26, 2016.<sup>1</sup> Respondent did not appear for the hearing. The hearing was open to the public, pursuant to Iowa Code section 272C.6(1). The hearing was recorded by a certified court reporter. Administrative Law Judge Laura Lockard assisted the Board in conducting the hearing and was instructed to prepare the Board's written decision in accordance with its deliberations.

**THE RECORD**

The record includes the Notice of Hearing and Statement of Charges and Motion to Continue Hearing. The record also includes hearing testimony of Andrew Funk. The State introduced Exhibits 1 through 9, which were admitted as evidence.

**FINDINGS OF FACT**

Respondent Minnesota Independent Cooperative, Inc. became licensed as an Iowa drug wholesaler in 2008 and holds wholesale drug license number 6764. On May 12, 2015, the Board received a complaint regarding Respondent. The complaint was initiated when the

---

<sup>1</sup> See 657 Iowa Administrative Code 35.5(1)(g).

National Association of Boards of Pharmacy (NABP) sent information to the Board that the Minnesota Board of Pharmacy asked NABP to share with its member boards of pharmacy. The information that the Board received indicated that the Minnesota Board of Pharmacy had reviewed two federal indictments handed down the week prior against Respondent, which had a facility in Eagan, Minnesota. The indictments allege that Respondent was at the center of a scheme involving the sale of potentially adulterated and misbranded drugs to pharmacies and other drug wholesalers. (Exh. 1, 2; Funk testimony).

Compliance officer Andrew Funk was assigned to conduct the investigation into the complaint against Respondent. On June 26, 2015, Funk sent a notice of complaint to Respondent's president/CEO, which was signed for by J. Ruso on July 6, 2015. The notice requested all of Respondent's wholesale drug distribution transaction records into Iowa between June 26, 2013 and June 26, 2015. Respondent did not respond to the notice. Funk also attempted to call Respondent at the number on file with the Board. The call went immediately to voicemail. Funk left a message requesting a return call; no return call was received. (Exh. 3; Funk testimony).

As part of the investigation, Funk spoke with Steven Huff, a surveyor for the Minnesota Board of Pharmacy. Huff informed Funk that Respondent was no longer receiving or distributing prescription drugs. Huff visited Respondent's facility on May 19, 2015 and found the operation to be deserted.<sup>1</sup> Respondent entered into a Stipulation to Cease Operating as a Drug Wholesaler with the Minnesota Board of Pharmacy on July 1, 2015. Records from the Minnesota Board of Pharmacy obtained January 5, 2016 reflect that Respondent's current Minnesota license status is "closed." To date, Respondent has not notified the Board of its closure and cessation of distribution into Iowa. (Exh. 3, 6, 7; Funk testimony).

On April 4, 2012, Respondent entered into a Stipulation and Consent Order with the Minnesota Board of Pharmacy. The Order reflects that Respondent engaged in conduct constituting a violation of Minnesota law and the rules of the Minnesota Board of Pharmacy; specifically, Respondent purchased drugs from a wholesale distributor that was not licensed as a nonresidential drug wholesaler in Minnesota. The Minnesota Board of Pharmacy reprimanded Respondent for the violation and imposed a civil penalty in the amount of \$10,000. (Exh. 4; Funk testimony).

## CONCLUSIONS OF LAW

### Count 1: Out-of-State Discipline

The Board's regulations provide that it may impose disciplinary sanctions against a licensee where the licensee violates the pharmacy or drug laws or rules of another state while under the jurisdiction of that state.<sup>2</sup> The record here clearly establishes that Respondent violated Minnesota's pharmacy and drug laws while under Minnesota's jurisdiction. The preponderance

---

<sup>2</sup> 657 IAC 36.1(4)(ad).

of the evidence demonstrates that Respondent committed a violation of 657 Iowa Administrative Code 36.1(4)(ad).

Count II: Failure to Notify of Closing

The Board's regulations require that a licensee discontinuing wholesale distribution of prescription drugs in or into Iowa shall submit to the Board, with the current wholesale drug license certificate, written notification indicating the effective date of closing or discontinuing business in Iowa.<sup>3</sup> The preponderance of the evidence in this case demonstrates that Respondent has discontinued wholesale distribution of prescription drugs into Iowa. Respondent's facility has been deserted since at least May 2015 and Respondent entered into a Stipulation to Cease Operating as a Drug Wholesaler in the state of Minnesota, where its facility is located, effective July 1, 2015. To date, Respondent has not provided any written notification to the Board. Under these circumstances, a violation of 657 Iowa Administrative Code 17.3(5) has been established.

Sanction

The Board may consider a number of factors in determining the nature and severity of the disciplinary sanction to be imposed when a violation is established, including the relative seriousness of the violation as it relates to assuring a high standard of professional care; the facts of the violation; any extenuating circumstances; whether remedial action has been taken; and any other factors that reflect upon the competency, ethical standards, and professional conduct of the licensee.<sup>4</sup>

Respondent did not respond to the Board's notice of complaint and request for records. The evidence supports the conclusion that Respondent has ceased operations.

**DECISION AND ORDER**

IT IS THEREFORE ORDERED that Respondent Minnesota Independent Cooperative, Inc.'s wholesale drug license is REVOKED.

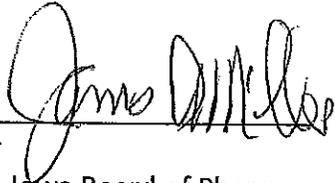
IT IS FURTHER ORDERED pursuant to Iowa Code section 272C.6 and 657 Iowa Administrative Code 36.18(2), that Respondent Minnesota Independent Cooperative, Inc. shall pay \$75 for fees associated with conducting the disciplinary hearing. Respondent shall remit payment within 30 days of the date of this Order.

Dated this 30<sup>th</sup> day of June, 2016

---

<sup>3</sup> 657 IAC 17.3(5).

<sup>4</sup> 657 IAC 36.1(3).



James Miller  
Chairperson, Iowa Board of Pharmacy

cc: Laura Steffensmeier, Assistant Attorney General

*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 O**

**MODIFICATION TO FINDINGS OF FACT,  
CONCLUSIONS OF LAW, DECISION AND ORDER**

**JAMES NIELCEN**  
**PHARMACIST LICENSE NO. 14579**  
**WATERLOO, IOWA**

BEFORE THE IOWA BOARD OF PHARMACY

---

IN THE MATTER OF:	)	CASE NO. 2013-140
	)	
Request for Reinstatement of	)	<b>MODIFICATION TO FINDINGS OF FACT,</b>
Pharmacist License	)	<b>CONCLUSIONS OF LAW, DECISION AND</b>
<b>JAMES NIELCEN</b>	)	<b>ORDER</b>
License No. 14579,	)	
	)	
Respondent.	)	

---

The Board's Findings of Fact, Conclusions of Law, Decision and Order in the above captioned matter dated January 6, 2014, is modified as follows:

1. The requirement under Paragraph N in the Decision and Order on page 6 to participate in the IPRN program is lifted effective June 30, 2016, because the IPRN program is being discontinued effective June 30, 2016.

IT IS HEREBY ORDERED that paragraph "N" is deleted.

Dated the 30<sup>th</sup> day of June, 2016.

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

**ADDENDUM P**

**MODIFICATION TO FINDINGS OF FACT,  
CONCLUSIONS OF LAW, DECISION AND ORDER**

**CANDACE D. PRASHAD  
PHARMACIST LICENSE NO. 20358  
DES MOINES, IOWA**

BEFORE THE IOWA BOARD OF PHARMACY

---

IN THE MATTER OF THE	)	CASE NO. 2011-5
REQUEST FOR REINSTATEMENT	)	
OF PHARMACIST	)	<b>MODIFICATION TO FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW, DECISION AND</b>
<b>CANDACE D. PRASHAD</b>	)	<b>ORDER</b>
License No. 20358	)	
Respondent	)	

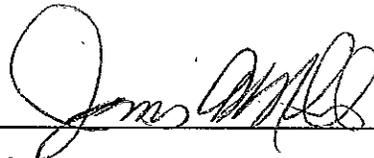
---

The Board's Findings of Fact, Conclusions of Law, Decision and Order in the above captioned matter dated May 9, 2013, is modified as follows:

1. The requirement under Paragraph 14 in the Decision and Order on page 8 to participate in the IPRN program is lifted effective June 30, 2016, because the IPRN program is being discontinued effective June 30, 2016.

IT IS HEREBY ORDERED that paragraph "14" is deleted.

Dated the 30<sup>th</sup> day of June, 2016.



---

Chairperson  
Iowa Board of Pharmacy

**ADDENDUM Q**

**MODIFICATION TO SETTLEMENT AGREEMENT  
AND FINAL ORDER**

**EDWARD F. SARRAZIN  
PHARMACIST LICENSE NO. 15076  
IOWA CITY, IOWA**

**BEFORE THE IOWA BOARD OF PHARMACY**

---

Re:	)	CASE NO. 2013-214
Pharmacist License of	)	
<b>ED SARRAZIN</b>	)	<b>MODIFICATION TO SETTLEMENT</b>
License No. 15076	)	<b>AGREEMENT AND FINAL ORDER</b>
Respondent.	)	

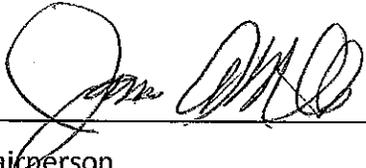
---

The Settlement Agreement and Final Order in the above captioned matter approved by the Board on January 12, 2016, is modified as follows:

1. The requirement under Paragraph 14(o) on page 4 to participate in IPRN program is lifted effective June 30, 2016, because the IPRN program is being discontinued effective June 30, 2016.

IT IS HEREBY ORDERED that paragraph "14(o)" is deleted.

Dated the 30<sup>th</sup> day of June, 2016.

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

**ADDENDUM R**

**MODIFICATION TO FINDINGS OF FACT,  
CONCLUSIONS OF LAW, DECISION AND ORDER**

**GARY D. COTTINGTON  
PHARMACIST LICENSE NO. 13616  
PELLA, IOWA**

BEFORE THE IOWA BOARD OF PHARMACY

---

IN THE MATTER OF THE	)	CASE NO. 2011-145
REQUEST FOR REINSTATEMENT	)	
OF PHARMACIST	)	<b>MODIFICATION TO FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW, DECISION AND</b>
<b>GARY D. COTTINGTON</b>	)	<b>ORDER</b>
License No. 13616	)	
Respondent.	)	

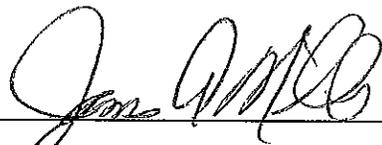
---

The Board's Findings of Fact, Conclusions of Law, Decision and Order in the above captioned matter dated December 6, 2012, is modified as follows:

1. The requirement under Paragraph R in the Decision and Order on page 8 to participate in the IPRN program is lifted effective June 30, 2016, because the IPRN program is being discontinued effective June 30, 2016.

IT IS HEREBY ORDERED that paragraph "R" is deleted.

Dated the 30<sup>th</sup> day of June, 2016.

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

**ADDENDUM S**

**MODIFICATION TO FINDINGS OF FACT,  
CONCLUSIONS OF LAW, DECISION AND ORDER**

**AMANDA LATTA**

**PHARMACIST LICENSE NO. 19669**

**SPRINGVILLE, IOWA**

BEFORE THE IOWA BOARD OF PHARMACY

---

IN THE MATTER OF:	)	CASE NO. 2011-43
	)	
Request for Reinstatement of	)	<b>MODIFICATION TO FINDINGS OF FACT,</b>
Pharmacist License	)	<b>CONCLUSIONS OF LAW, DECISION AND</b>
<b>AMANDA LATTA</b>	)	<b>ORDER</b>
License No. 19669,	)	
	)	
Respondent.	)	

---

The Board's Findings of Fact, Conclusions of Law, Decision and Order in the above captioned matter dated November 4, 2015, is modified as follows:

1. The requirement under Paragraph Q in the Decision and Order on page 6 to participate in the IPRN program is lifted effective June 30, 2016, because the IPRN program is being discontinued effective June 30, 2016.

IT IS HEREBY ORDERED that paragraph "Q" is deleted.

Dated the 30<sup>th</sup> day of June, 2016.

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

**ADDENDUM T**  
**NOTICE OF TERMINATION**  
**CHAPTER 7, "HOSPITAL PHARMACY PRACTICE"**  
**JUNE 30, 2016**

## PHARMACY BOARD [657]

### Notice of Termination

Pursuant to the authority of Iowa Code section 147.76, the Board of Pharmacy terminates the rule making initiated by its Notice of Intended Action published in the Iowa Administrative Bulletin on December 9, 2015, as ARC 2286C, proposing to amend Chapter 7, "Hospital Pharmacy Practice," Iowa Administrative Code.

The Notice proposed to eliminate restrictions regarding the dispensing of prescription drugs to patients seen in a hospital emergency department when 24-hour pharmacy services are available within 15 miles of the hospital. The amendment specifically would have authorized the dispensing, to hospital emergency department patients, of appropriately packaged and labeled prescription drugs in quantities not exceeding a 72-hour supply except as specifically identified in subrule 7.12(3). The proposed amendment would have eliminated the requirement that drugs dispensed through the emergency department only be dispensed in prepackaged quantities, clarifying that the prescriber is responsible for ensuring the drug is appropriately packaged and labeled but not that the prescriber must complete the labeling, and adding that the quantity of the drug dispensed must be included on the dispensing label..

The Board is terminating the rule making commenced in ARC 2286C based on comments and suggestions received from members of the public and health care professionals. The Board has determined that more time is needed to study the suggestions and alternatives received relating to this proposed rulemaking and other closely related rules.

**ADDENDUM U**  
**NOTICE OF INTENDED ACTION**  
**CHAPTER 8, "UNIVERSAL PRACTICE STANDARDS,"**  
**AND**  
**ADOPT new CHAPTER 13, "TELEPHARMACY PRACTICE"**  
**JUNE 30, 2016**

## PHARMACY BOARD [657]

### Notice of Intended Action

Pursuant to the authority of Iowa Code section 147.76, the Board of Pharmacy hereby gives Notice of Intended Action to amend Chapter 8, "Universal Practice Standards," and to adopt new Chapter 13, "Telepharmacy Practice," Iowa Administrative Code.

The amendments were approved at the June 30, 2016, regular meeting of the Board of Pharmacy.

The proposed amendment to subrule 8.35(2) identifies a telepharmacy practice as a defined subset of a limited use pharmacy license type. The proposed rules in new Chapter 13 provide standards for the provision of pharmaceutical services to patients through the use of audio-visual technologies that link the telepharmacy site with a managing pharmacy, allowing a verifying pharmacist at the remote pharmacy to oversee and verify the dispensing processes performed by the technician at the telepharmacy site. The audio-visual technology also ensures that the patient and the pharmacist are able to converse, face-to-face over secure connections, about the patient's drug treatment plan.

The proposed rules define terms used in the chapter and assign responsibilities for various aspects of the practices involved. The proposed rules require a written agreement between the managing pharmacy and the telepharmacy site, identifying specific required provisions and contents of the written agreement and what must occur in case the agreement is terminated or either pharmacy closes. The proposed rules identify the general requirements for a telepharmacy site, a managing pharmacy, a verifying pharmacist, and a telepharmacy technician, including addressing specific training and experience requirements for those personnel.

The required information to be provided with the initial application for a limited use pharmacy license as a telepharmacy site and the minimum information to be provided in a request for waiver of the minimum distance between a proposed telepharmacy site and an existing pharmacy that

dispenses prescription drugs to outpatients are identified. Specific application and notification requirements in the case of a change of telepharmacy site or managing pharmacy name, location, ownership, or pharmacist in charge are identified. The proposed rules provide that the opening of a new pharmacy within 10 miles of an existing telepharmacy site does not force the closing of the telepharmacy site.

Subjects to be addressed by policies and procedures to be adopted and implemented by both the telepharmacy site and the managing pharmacy are listed and information and reports required of a telepharmacy site or managing pharmacy are identified. The proposed rules identify specific records that must be maintained by and available at a telepharmacy site, including the monthly inspection of the telepharmacy site by a pharmacist from the managing pharmacy and the monthly count of prescriptions dispensed from the telepharmacy site, the number of hours the telepharmacy site was open for business, and the number of onsite pharmacist staffing hours provided at the telepharmacy site.

Requests for waiver or variance of the discretionary provisions of Board rules will be considered pursuant to 657—Chapter 34. Requirements for waiver of the specific restrictions regarding location of a telepharmacy site within 10 miles of another pharmacy that dispenses prescription drugs to outpatients are identified in subrule 13.16(8).

Any interested person may present written comments, data, views, and arguments on the proposed amendments not later than 4:30 p.m. on August 30, 2016. Such written materials may be sent to Terry Witkowski, Executive Officer, Board of Pharmacy, 400 S.W. Eighth Street, Suite E, Des Moines, Iowa 50309-4688; or by E-mail to [terry.witkowski@iowa.gov](mailto:terry.witkowski@iowa.gov).

A public hearing will be held on August 30, 2016, at 1:00 p.m. in the large conference room, 400 S.W. Eighth Street, Suite E, Des Moines, IA 50309. Persons attending the hearing may present their

views either orally or in writing. Persons will be asked to give their names and addresses for the record and to confine their remarks to the content of the proposed amendments.

After analysis and review of this rule making, The Board has been unable to determine whether the adoption of these rules will have an impact on jobs or the net result of any possible impact. The establishment of telepharmacy sites where a pharmacy currently does not exist may create jobs for pharmacy technicians and also for verifying pharmacists. However, the establishment of a telepharmacy site in place of an existing pharmacy that intends to close, as a means of preserving the availability of pharmacy services in a community or area, may still result in the overall reduction in the number of jobs in that area.

These amendments are intended to implement Iowa Code sections 124.301, 155A.6A, 155A.14, 155A.19, 155A.28, 155A.31, and 155A.41, and Iowa Code sections 147.107, 155A.3, 155A.13, and 155A.33 as amended by S.F. 453, 86 G.A., sections 1, 2, 3, and 7.

The following amendments are proposed.

Item 1. Amend subrule 8.35(2) as follows:

**8.35(2) Limited use pharmacy license.** Limited use pharmacy license may be issued for nuclear pharmacy practice, correctional facility pharmacy practice, telepharmacy practice, and veterinary pharmacy practice. Applications for limited use pharmacy license for these and other limited use practice settings shall be determined on a case-by-case basis.

Item 2. Adopt new 657—Chapter 13, Telepharmacy Practice, as follows:

### **Chapter 13**

#### **Telepharmacy Practice**

**657—13.1(155A) Purpose and scope.** The purpose of this chapter is to provide standards for the provision of telepharmacy services to patients. These rules provide for pharmaceutical care services

at a telepharmacy site utilizing audio-visual technologies that link the telepharmacy site with a managing pharmacy and one or more verifying pharmacists. The telepharmacy site shall be located within Iowa and shall maintain appropriate licensure by the board.

**657—13.2(155A) Definitions.** For purposes of this chapter, the following definitions shall apply.

*“Board”* means the board of pharmacy.

*“CSA”* or *“CSA registration”* means a registration issued pursuant to Iowa Code section 124.303 and 657—Chapter 10.

*“DEA”* means the Drug Enforcement Administration of the U. S. Department of Justice.

*“Managing pharmacy”* means a licensed pharmacy that oversees the activities of one or more telepharmacy sites.

*“Telepharmacy”* means the practice of pharmacy where pharmaceutical care services are provided using audio-visual technologies linking a telepharmacy site with the managing pharmacy.

*“Telepharmacy site”* means a licensed pharmacy that is operated by a managing pharmacy and staffed by one or more telepharmacy technicians where pharmaceutical care services, including the storage and dispensing of prescription drugs, drug utilization review, and patient counseling, are provided by a licensed pharmacist through the use of technology.

*“Verifying pharmacist”* means a remote Iowa-licensed pharmacist or pharmacists who perform any step in the prescription verification and dispensing process including but not limited to: verification of data entry; product selection, packaging, and labeling; drug utilization review; and patient counseling.

**657—13.3(124,155A) Written agreement.** The managing pharmacy and the telepharmacy site shall execute and maintain a current written agreement between the pharmacies. If there is no current written agreement between the pharmacies, the telepharmacy site shall immediately notify the board

and shall discontinue operations as a telepharmacy site until a current written agreement between the managing pharmacy and the telepharmacy site is executed.

**13.3(1) Contents of agreement.** The written agreement between the managing pharmacy and a telepharmacy site shall include, but may not be limited to, the following:

a. Staffing, to include telepharmacy technician staffing, verifying pharmacist staffing and availability, and on-site pharmacist staffing as needed.

b. Hours of operation of the telepharmacy site and hours of availability of pharmacists at the managing pharmacy.

c. Emergency contact information for the managing pharmacy and the telepharmacy site.

d. Complete description of the audio-visual technology to be utilized to link the managing pharmacy and the telepharmacy site.

e. A provision that, in the event that the telepharmacy technician is not available at the telepharmacy site, that a verifying pharmacist is not available, or that the audio-visual communication connection between the telepharmacy site and the managing pharmacy is not available, the telepharmacy site shall close pending the availability of the technician, the verifying pharmacist, and the communication link or pending the arrival at the telepharmacy site of a pharmacist to provide onsite pharmacy services.

f. Activities and services to be provided by the managing pharmacy at the telepharmacy site.

g. Identification of contact persons to receive, on behalf of the managing pharmacy and the telepharmacy site, notifications and official communications regarding the written agreement. Identification of contact persons shall include delivery addresses and preferred methods of delivery of the written communications required by this rule and any other communications affecting the written agreement between the managing pharmacy and the telepharmacy.

**h.** Pharmacy locations, other than the managing pharmacy, where verifying pharmacists may be based or located.

**13.3(2) Termination of agreement.** A managing pharmacy shall provide written notice to the Board and to the telepharmacy site 90 days in advance of the managing pharmacy's intent to terminate the agreement between the telepharmacy site and the managing pharmacy. A telepharmacy site shall provide written notice to the Board and to the managing pharmacy 90 days in advance of the telepharmacy site's intent to terminate the agreement between the managing pharmacy and the telepharmacy site.

**a.** New agreement. A new written agreement between a managing pharmacy and the telepharmacy site, including the filing of a new pharmacy license application identifying the new pharmacist in charge, shall be executed within the 90-day advance notification period.

**b.** No new agreement. If the telepharmacy site is unable to contract with a new managing pharmacy, the telepharmacy site shall, 30 days prior to the expiration of the 90-day advance notification period, implement the prior notification requirements for closing a telepharmacy site as provided in subrule 13.3(3). The telepharmacy site shall cease operations and close at the end of that 30-day closing notification period unless a new written agreement is executed.

**13.3(3) Closing of telepharmacy site.** A telepharmacy site that intends to close the telepharmacy site shall provide written notification to the managing pharmacy and the board as provided in 13.3(2). In addition, the telepharmacy site shall provide written notification to the DEA and to patients and shall comply with all requirements for closing a pharmacy as provided in subrule 657—8.35(7).

**13.3(4) Closing of managing pharmacy.** A managing pharmacy that intends to close the managing pharmacy shall provide written notification to the telepharmacy site and the board as

provided in 13.3(2). In addition, the managing pharmacy shall provide written notification to the DEA and to patients and shall comply with all requirements for closing a pharmacy as provided in subrule 657—8.35(7). A telepharmacy site that has been managed by the closing pharmacy shall comply with the provisions of subrules 13.3(2) and 13.3(3), as applicable.

**657—13.4(155A) Responsible parties.** The responsibilities identified and assigned pursuant to rule 657—8.3(155A) shall be assigned, as appropriate, to the managing pharmacy and the telepharmacy site, by and through their respective owners or license holders, to the pharmacist in charge, and to staff pharmacists, including verifying pharmacists. A telepharmacy technician shall share responsibility with the pharmacist in charge, the telepharmacy site, and the verifying pharmacist, as assigned in rule 657—8.3(155A), for all functions assigned to and performed by the telepharmacy technician.

**657—13.5 to 13.7 Reserved.**

**657—13.8(124,155A) General requirements for telepharmacy site.** The telepharmacy site shall maintain a pharmacy license issued by the board. If the telepharmacy site plans to dispense controlled substances, the telepharmacy site shall also maintain a CSA registration and a DEA registration.

**13.8(1) Located in Iowa.** A telepharmacy site shall be located within the state of Iowa.

**13.8(2) Distance to managing pharmacy.** A telepharmacy site shall be within 50 miles, by the shortest driving distance, of the managing pharmacy to ensure timely arrival of a pharmacist or other necessary personnel or receipt of necessary supplies within a reasonable period of time.

**13.8(3) Pharmacist in charge.** The pharmacist in charge of the telepharmacy site shall be the pharmacist in charge of the managing pharmacy.

**13.8(4) Security.** A telepharmacy site shall employ methods to prevent unauthorized access to

prescription drugs, devices, and pharmacy and patient records. Such methods may include an alarm system and shall include other security systems and methods as provided by these rules. Alarm systems and entry system locks should be disarmed when the telepharmacy site is staffed and open for business. Minimum security methods shall include:

a. Electronic keypad or other electronic entry system into the telepharmacy site or the pharmacy department that requires and records the unique identification of the individual accessing the pharmacy, including the date and time of access. Complete access records shall be maintained for a minimum two years beyond the date of access.

b. Secure storage such as a safe.

c. Controlled access to computer records.

d. A continuous system of video surveillance and recording of the pharmacy department that includes maintenance of recordings for a minimum 60 days following the date of the recording.

**13.8(5) Telepharmacy site signage.** One or more signs, prominently posted in any prescription pick-up area and clearly visible to the public, shall inform the public with the following statement: “Telepharmacy site – pharmacist may not be on site but is available to talk with patients.” Signage shall also include contact information for the managing pharmacy.

**13.8(6) Patient counseling.** Patient counseling as required by rule 657—6.14(155A) shall be provided utilizing the audio-visual technology employed between the telepharmacy site and the managing pharmacy. Every telepharmacy site shall post in the prescription pickup area, in a manner clearly visible to patients, a notice that Iowa law requires the pharmacist to discuss with the patient any new prescriptions dispensed to the patient. The board shall provide a telepharmacy site with the required signage.

**13.8(7) Label requirements.** In addition to the label requirements identified in subrule 657—

6.10(1), the label affixed to or on the dispensing container of any prescription drug or device dispensed by a telepharmacy site pursuant to a prescription drug order shall include the following:

- a. The name, telephone number, and address of the telepharmacy site;
- b. The name and telephone number of the managing pharmacy.

**13.8(8) Prohibited activities.** In the physical absence of a pharmacist, the following activities are prohibited:

- a. OTC sales of CVs including pseudoephedrine-containing products.
- b. Practice of pharmacist-interns or pharmacy support persons at the telepharmacy site.
- c. Advising patients regarding OTC products unless that advice is communicated directly by a pharmacist.
- d. Dispensing or delivering prescription medications packaged by a technician into patient med paks unless an onsite pharmacist has verified the drugs in the patient med paks.
- e. Tech-check-tech practice.
- f. Compounding, unless an onsite pharmacist has verified the accuracy and completeness of the compounded drug product.
- g. All judgmental activities identified in rule 657—3.23(155A) that a pharmacy technician is prohibited from performing in the practice of pharmacy.

**13.8(9) Continuous quality improvement.** A telepharmacy site shall implement and participate in a continuous quality improvement program pursuant to rule 657—8.26(155A).

**13.8(10) Technology failure.** If the audio-visual technology between the telepharmacy site and the managing pharmacy or the verifying pharmacist is not operational, no prescriptions shall be dispensed from the telepharmacy site to a patient unless a pharmacist is physically present at the telepharmacy site.

**13.8(11) Perpetual controlled substances inventory.** A telepharmacy site that dispenses controlled substances shall maintain a perpetual inventory record of those controlled substances.

a. The perpetual inventory record requirement shall apply to all controlled substances maintained and dispensed by the telepharmacy site and shall not be limited only to Schedule II controlled substances.

b. The perpetual inventory record format and other requirements provided in rule 657—10.33(124,155A) shall apply to the telepharmacy site's perpetual inventory record of controlled substances, with the following exceptions:

(1) The perpetual inventory record shall contain records for all controlled substances, not just Schedule II controlled substances, and

(2) Audit of the perpetual inventory record shall be completed and the physical and perpetual inventories shall be reconciled pursuant to the requirements of subrule 10.33(4) each month as part of the inspection of the telepharmacy site.

**657—13.9(155A) General requirements for managing pharmacy.**

**13.9(1) Distance to telepharmacy site.** The managing pharmacy shall be within 50 miles of a telepharmacy site to ensure timely arrival at the telepharmacy site of a pharmacist or other necessary personnel or delivery to the telepharmacy site of necessary supplies within a reasonable period of time.

**13.9(2) Pharmacist in charge.** Pharmacist in charge of the managing pharmacy shall be the pharmacist in charge of the telepharmacy site.

**13.9(3) Adequate audio-visual connection.** The pharmacist in charge shall ensure adequate audio-visual connection with the telepharmacy site during all periods when the telepharmacy site is open for business including ensuring confidentiality of communications in compliance with state and

federal confidentiality laws.

**13.9(4) Monthly inspection.** The pharmacist in charge or delegate pharmacist shall be responsible for performing a monthly inspection of the telepharmacy site. Inspection reports shall be signed by the individual pharmacist who performed the inspection. Inspection records and reports shall be maintained at the telepharmacy site for two years following the date of the inspection. A copy of the inspection report shall be provided to and maintained at the managing pharmacy. The monthly inspection shall include, but may not be limited to, the following:

- a. Audit and reconciliation of controlled substances perpetual and physical inventories;
- b. Audit of electronic entry system and records;
- c. Verification that the video recording system is functioning properly and that the recordings are maintained and available for at least 60 days past the date of the recording;
- d. Compilation of a record of the number of prescriptions filled, the number of onsite pharmacist hours, and the number of hours the pharmacy site was open for business during the preceding month.
- e. Review of written policies and procedures and verification of compliance with those policies and procedures;
- f. Ensuring compliance with and review of records in the continuous quality improvement program, following up with responsible personnel to address issues identified by incident reports to prevent future incidents;
- g. Review of records of the receipt and disbursement of prescription drugs, including controlled substances, to ensure compliance with recordkeeping requirements;
- h. Inspection of drug supplies and storage areas to ensure removal and quarantine of outdated drugs;
- i. Inspection of stock drug supplies and storage areas to ensure drugs are maintained in a manner

to prevent diversion and maintain the integrity of the drugs, verifying that the temperatures of storage areas are appropriate for the stored drugs and equipment,

j. Inspection of pharmacy and storage areas and shelves to ensure areas and shelves are clean and free of pests and other contaminants.

**13.9(5) Onsite pharmacist staffing.** Minimum onsite pharmacist staffing requirements shall be based on the average number of prescriptions dispensed per day by the telepharmacy site. For purposes of this subrule, the average number of prescriptions dispensed per day shall be the daily average number of prescriptions dispensed over the previous 90-day period. A telepharmacy that reaches a threshold identified below shall, within 30 days of achieving the threshold, increase onsite pharmacist staff time to at least the minimum percentage indicated.

- Minimum onsite pharmacist staffing shall be no less than eight hours per month to complete onsite inspections of the telepharmacy site.
- If the average number of prescriptions dispensed per day exceeds 40 prescriptions, onsite pharmacist staffing shall be no less than 25% of the telepharmacy site's business hours.
- If the average number of prescriptions dispensed per day exceeds 60 prescriptions, onsite pharmacist staffing shall be no less than 50% of the telepharmacy site's business hours.
- If the average number of prescriptions dispensed per day exceeds 80 prescriptions, onsite pharmacist staffing shall be no less than 75% of the telepharmacy site's business hours.
- If the average number of prescriptions dispensed per day exceeds 100 prescriptions, the telepharmacy site shall convert to a traditional general pharmacy with onsite pharmacist staffing 100% of the time the pharmacy is open for business.
- The board may refuse to renew the license of a telepharmacy site if the average number of prescriptions dispensed per day exceeds 100 prescriptions.

**657—13.10(155A) General requirements for verifying pharmacist.** A verifying pharmacist shall maintain a current and active license to practice pharmacy in Iowa.

**13.10(1) Location of verifying pharmacist.** The verifying pharmacist who is performing patient counseling shall be physically located within the managing pharmacy or another pharmacy licensed in Iowa.

**13.10(2) Adequate audio-visual connection.** The verifying pharmacist shall ensure adequate audio-visual connection with the telepharmacy site during all periods when the pharmacist is responsible for verifying telepharmacy site activities and practices including ensuring confidentiality of communications in compliance with state and federal confidentiality laws.

**13.10(3) Verifying pharmacist training.** A verifying pharmacist shall be adequately trained on the use of the technology to ensure accurate verification and patient counseling and shall review and understand the policies and procedures of the managing pharmacy and the telepharmacy site.

**13.10(4) Patient refusal of counseling.** If a patient or patient's care giver refuses patient counseling, the refusal shall be directly communicated by the patient or patient's care giver to the pharmacist through audio-visual communication; a technician may not accept and communicate a refusal of patient counseling from the patient or patient's care giver to the pharmacist.

**13.10(5) Reference library.** A verifying pharmacist shall have access to all required references applicable to the telepharmacy services provided at the telepharmacy site.

**657—13.11(155A) General requirements for telepharmacy technician.** A telepharmacy technician shall maintain current national certification and registration in good standing with the board as a certified pharmacy technician.

**13.11(1) Practice experience.** Before practicing in a telepharmacy site, a telepharmacy technician shall have completed one year of full time employment consisting of a minimum of 2,000 hours

practice experience as a certified pharmacy technician practicing in a hospital or general pharmacy licensed in good standing and located in Iowa.

**13.11(2) Training.** In addition to training required of all pharmacy technicians, a telepharmacy technician shall complete the following minimum training requirements before practicing in a telepharmacy site. Records of this telepharmacy technician training shall be documented and maintained by the telepharmacy site.

- a. Review and understanding of the policies and procedures of the managing pharmacy.
- b. Review and understanding of the policies and procedures of the telepharmacy site.
- c. Review and understanding of these rules for telepharmacy practice.
- d. Review and understanding of pharmacy technician rules, 657 – Chapter 3.
- e. Understanding of the operation of the audio-visual technologies to be utilized at both pharmacies.

f. Training at the telepharmacy site under the direct supervision of an onsite verifying pharmacist. Training shall include operation and use of the audio-visual technology and other means of communication between the telepharmacy site and the managing pharmacy and all daily operations from unlocking and opening the telepharmacy site to closing and locking the telepharmacy site at the end of the business day. If the telepharmacy site is protected by one or more alarm systems, training shall include how to disarm and engage the alarm system or systems.

**13.11(3) Identification.** The telepharmacy technician shall, at all times when the technician is practicing at the telepharmacy site and the telepharmacy site is open for business, wear a name badge or tag identifying the technician. The badge or tag shall include, at a minimum, the technician's first name and title. The name badge or tag shall be so designed and worn that the technician's name and title are clearly visible to the public at all times.

**13.11(4) Adequate audio-visual connection.** The telepharmacy technician shall ensure adequate audio-visual connection with the managing pharmacy during all periods when the telepharmacy site is open for business including ensuring confidentiality of communications in compliance with state and federal confidentiality laws.

**657—13.12 to 13.15 Reserved.**

**657—13.16(124,155A) Telepharmacy site – initial application.**

**13.16(1) License application.** A telepharmacy site shall complete and submit to the board a limited use/telepharmacy license application and fee as provided in rule 657—8.35(155A). In addition to the application and fee, the telepharmacy site shall include the additional information identified in this rule.

**13.16(2) CSA registration application.** If controlled substances will be dispensed from the telepharmacy site, the telepharmacy site shall complete and submit, with the limited use/telepharmacy license application and fee, the CSA registration application and fee as provided in rule 657—10.1(124).

**13.16(3) Identification of managing pharmacy.** The telepharmacy site application shall include identification of the managing pharmacy including pharmacy name, license number, address, telephone number, pharmacist in charge, and a statement from the managing pharmacy or pharmacist in charge indicating that the managing pharmacy has executed a written agreement to provide the required services and oversight to the telepharmacy site.

**13.16(4) Distance to nearest general pharmacy.** The telepharmacy site application shall identify the nearest licensed pharmacy that dispenses prescription drugs to outpatients and shall provide evidence identifying the total driving distance between the proposed telepharmacy site and the nearest currently licensed general pharmacy.

a. If the distance between the proposed telepharmacy site and the nearest currently licensed general pharmacy is less than ten miles, the telepharmacy site shall submit a request for waiver of the distance requirement. The process and requirements for a request for waiver are identified in subrule 13.16(8).

b. The distance requirement shall not apply under any of the following circumstances:

(1) The telepharmacy site was approved by the board and operating as a telepharmacy site prior to July 1, 2016.

(2) The proposed telepharmacy site is located within a hospital campus and services will be limited to inpatient dispensing.

(3) The proposed telepharmacy site is located on property owned, operated, or leased by the state.

**13.16(5) Written agreement.** The telepharmacy site application shall include the written agreement between the telepharmacy site and the managing pharmacy as described in subrule 13.3(1).

**13.16(6) Key personnel.** The telepharmacy site application shall identify key personnel including the pharmacist in charge of the managing pharmacy and the telepharmacy site and the telepharmacy technician or technicians at the telepharmacy site. Identification shall include the names, the license or registration numbers, and the titles of the key personnel.

**13.16(7) Audio-visual technology.** A description of the audio-visual technology system to be used to link the managing pharmacy and the telepharmacy site, including built-in safeguards relating to verification of the accuracy of the dispensing processes. Safeguards shall include but may not be limited to:

a. Requiring a verifying pharmacist to review the electronic image of any new prescription presented to the telepharmacy technician for filling and to compare the electronic image of the

prescription with the data entry record prior to the prescription being filled.

b. Requiring a verifying pharmacist to review the prescription order data entry and authorize the telepharmacy site's system to print a prescription label at the telepharmacy site before the label may be printed.

c. Requiring the technician to use barcode technology at the telepharmacy site to verify the accuracy of the drug to be dispensed.

d. Requiring remote visual confirmation by a verifying pharmacist of the drug stock bottle and the drug to be dispensed prior to filling the prescription at the telepharmacy site.

e. Ensuring the telepharmacy site's system prevents a prescription from being sold and delivered to a patient prior to the verifying pharmacist performing a final verification of the accuracy of the prescription and releasing the prescription for sale and delivery at the telepharmacy site.

**13.16(8) Request for distance waiver.** The board shall consider a request for waiver of the distance requirement between the proposed telepharmacy site and the nearest currently licensed pharmacy that dispenses prescription drugs to outpatients if the petitioner can demonstrate to the board that the proposed telepharmacy site is located in an area where there is limited access to pharmacy services and that there exist compelling circumstances that justify waiving the distance requirement.

a. The request for waiver shall be prepared and shall include the elements of a request for waiver or variance identified in 657 Chapter 34.

b. In addition to the requirements of 657 Chapter 34, the request for waiver shall include evidence and specific information regarding each of the following, if applicable. If an item identified below does not apply to the proposed telepharmacy site, the request for waiver shall specifically state that the item does not apply.

(1) That the nearest currently licensed pharmacy that dispenses prescription drugs to outpatients is open for business for limited hours or fewer hours than the proposed telepharmacy site.

(2) That the proposed telepharmacy site intends to provide services not available from the nearest currently licensed pharmacy that dispenses prescription drugs to outpatients.

(3) That access to the nearest currently licensed general pharmacy that dispenses prescription drugs to outpatients is limited and a description of how the proposed telepharmacy site will improve patient access to pharmacy services.

(4) That limited access to pharmacy services is affecting patient safety.

(5) That there are transportation barriers to services from the nearest currently licensed pharmacy that dispenses prescription drugs to outpatients.

(6) That the nearest currently licensed pharmacy that dispenses prescription drugs to outpatients is closing.

(7) That the proposed telepharmacy site is located in an area of the state where there is limited access to pharmacy services.

**c.** The board shall consider a request for waiver of the distance requirement during any open session of a meeting of the board. One or more representatives of the parties to the waiver request, including representatives of the proposed telepharmacy site, the managing pharmacy, and the nearest currently licensed general pharmacy, shall be invited and encouraged to attend the meeting at which the waiver request is scheduled for consideration to be available to respond to any questions.

**d.** The board's decision to grant or deny the request for waiver of the distance requirement shall be a proposed decision and shall be reviewed by the director of the department of public health.

(1) The director shall have the power to approve, modify, or veto the board's proposed decision regarding the waiver request.

(2) The director's decision on a waiver request shall be considered final agency action.

(3) The director's decision (final agency action) shall be subject to judicial review under Iowa Code chapter 17A.

**657—13.17(124,155A) Telepharmacy site or managing pharmacy changes.** Except as specifically provided by these rules, a change to a telepharmacy site shall require compliance with the licensure and notification requirements of the specific type of change identified in 657 subrules 8.35(6) and 8.35(7). A change affecting the CSA registration shall comply with the appropriate requirements of rule 657—10.11(124).

**13.17(1) Change of pharmacist in charge.** A change of pharmacist in charge shall require submission of a pharmacy license application for the managing pharmacy and the telepharmacy site as provided by subrule 657—8.35(6).

**13.17(2) Closing or selling pharmacy.** A telepharmacy site or managing pharmacy that intends to close or sell the pharmacy practice shall comply with all requirements for closing or selling a pharmacy found at 657 subrules 8.35(6) and 8.35(7) regarding ownership change and closing a pharmacy, including all advance notification requirements. A purchaser of a telepharmacy site shall complete and submit applications and supporting information as provided in rule 657—13.16(124,155A). A closing pharmacy shall also comply with the requirements of subrule 13.3(3) or 13.3(4), as appropriate.

**13.17(3) Location change.** A telepharmacy site that intends to move to a new location that is outside the community wherein the telepharmacy site has been located, if the telepharmacy site intends to provide telepharmacy services from the new location, shall comply with the requirements of subrule 13.17(2) for closing a pharmacy and shall submit applications and supporting information as provided in rule 657—13.16(124,155A). A managing pharmacy that intends to move to a new

location shall comply with the requirements of 657 subrules 8.35(5), 8.35(6), and 8.35(7), as appropriate.

**657—13.18(155A) Traditional pharmacy opening.** If a pharmacy, licensed as a general, hospital, or limited use pharmacy, opens for business within 10 miles of an existing and operating telepharmacy site, the telepharmacy site may continue to operate as a telepharmacy site and shall not be required to close due to the proximity of the new pharmacy.

**657—13.19 to 13.20 Reserved.**

**657—13.21(124,155A) Policies and procedures.** In addition to policies and procedures required for the specific services provided and identified in other chapters of board rules, both the managing pharmacy and the telepharmacy site shall develop, implement, and adhere to written policies and procedures for the operation and management of the specific pharmacy's operations. Policies and procedures shall be available for inspection and copying by the board or the board's representative at the location to which the policies and procedures apply. Policies and procedures shall define the frequency of review and written documentation of review by the pharmacist in charge shall be maintained. Policies and procedures shall address, at a minimum, the following:

- Procedures ensuring a record identifying the pharmacist who verified the accuracy of the prescription including the accuracy of the data entry, the selection of the correct drug, the accuracy of the label affixed to the prescription container, and the appropriateness of the prescription container, is made and retained.
- Procedures ensuring a record identifying the pharmacist who performed the drug utilization review as provided by rule 657—8.21(155A) is made and retained.
- Procedures ensuring a record identifying the pharmacist who provided counseling to the patient or the patient's caregiver pursuant to rule 657—6.14(155A) is made and retained.

- Procedures ensuring a record identifying the technician who filled the prescription is made and retained.
- Procedures ensuring adequate security to prevent unauthorized access to prescription drugs and devices and to confidential records.
- Procedures regarding procurement of drugs and devices, including who is authorized to order or receive drugs and devices, from whom drugs and devices may be ordered and received, and the required method for documentation of the receipt of drugs and devices.
- Procedures ensuring appropriate and safe storage of drugs at the telepharmacy site including appropriate temperature controls.
- Procedures identifying the elements of a monthly inspection of the telepharmacy site by the pharmacist in charge or designated pharmacist including requirements for documentation and retention of the results of each inspection.
- Procedures for the temporary quarantine of out-of-date and adulterated drugs from dispensing stock and the subsequent documented disposal of those drugs.
- Procedures and documentation required in the case of return to the telepharmacy of a drug or device.
- Procedures for drug and device recalls.

**657—13.22(155A) Reports to the board.** The board may periodically request information regarding the services provided by a telepharmacy site. A telepharmacy site shall complete and submit the requested information in a timely manner as requested by the board. The board shall allow a reasonable amount of time for a telepharmacy site to complete and submit the requested information.

Information requested may include, but may not necessarily be limited to, the following:

**13.22(1) Prescriptions dispensed.** The number of prescriptions dispensed from the telepharmacy

site over a specified period of time.

**13.22(2) Pharmacist hours.** The number of hours a pharmacist was physically present at the telepharmacy site over a specified period of time.

**13.22(3) Telepharmacy site hours.** The number of hours the telepharmacy site was open for business over a specified period of time.

**657—13.23(124,155A) Records.** Every inventory or other record required to be kept under Iowa Code chapters 124 and 155A or rules of the board shall be kept by the telepharmacy site and be available for inspection and copying by the board or its representative for at least two years from the date of the inventory or record except as specifically identified by law or rule. Controlled substances records shall be maintained in a readily retrievable manner in accordance with federal requirements and 657—Chapter 10. Specific records required to be maintained by and available at a telepharmacy site shall include but are not limited to the following:

**13.23(1) Dispensing record.** As provided in rule 657—13.21(124,155A), a written or electronic record identifying the pharmacist who verified the prescription, the pharmacist who provided counseling to the patient or the patient's caregiver, and the pharmacy technician who filled the prescription shall be maintained for every prescription fill dispensed by the telepharmacy site.

**13.23(2) Onsite pharmacist staffing.** A written or electronic record of the number of prescriptions filled, the number of onsite pharmacist hours, and the number of hours the telepharmacy site was open for business each month shall be maintained and used to calculate appropriate onsite pharmacist staffing pursuant to subrule 13.9(5).

**13.23(3) Pharmacy access.** Records identifying, by unique identification or the individual accessing the pharmacy department, including the date and time of access, shall be maintained for two years beyond the date of access.

**13.23(4) Monthly inspection.** Reports of the monthly inspection of the telepharmacy site shall be maintained at the telepharmacy site for two years following the date of the inspection. A copy of the inspection report shall be provided to and maintained at the managing pharmacy for two years following the date of the inspection.

These rules are intended to implement Iowa Code sections 124.301, 155A.6A, 155A.14, 155A.19, 155A.28, 155A.31, and 155A.41, and Iowa Code sections 147.107, 155A.3, 155A.13, and 155A.33 as amended by S.F. 453, 86 G.A., sections 1, 2, 3, and 7.

**ADDENDUM V**

**NOTICE OF INTENDED ACTION**

**RESCIND CHAPTER 30, "IMPAIRED PHARMACY PROFESSIONAL  
AND TECHNICIAN RECOVER PROGRAM,"**

**AND**

**ADOPT new CHAPTER 30, "IOWA MONITORING PROGRAM  
FOR PHARMACY PROFESSIONALS"**

**JUNE 30, 2016**

## PHARMACY BOARD [657]

### Notice of Intended Action

Pursuant to the authority of Iowa Code section 272C.3, the Board of Pharmacy hereby gives Notice of Intended Action to rescind Chapter 30, "Impaired Pharmacy Professional and Technician Recovery Program," and adopt new Chapter 30, "Iowa Monitoring Program for Pharmacy Professionals," Iowa Administrative Code.

The amendment was approved at the June 30, 2016, regular meeting of the Board of Pharmacy.

The proposed amendment rescinds current Chapter 30 rules regarding the Impaired Pharmacy Professional and Technician Recovery Program and adopts new Chapter 30 establishing the Iowa Monitoring Program for Pharmacy Professionals. The program and committee established pursuant to the new chapter are intended to support the evaluation and monitoring of licensees who are impaired as a result of alcohol or drug abuse, dependency, or addiction, or by any mental or physical disorder or disability, while protecting the health, safety and welfare of the public. The program will provide an alternative to formal disciplinary actions against pharmacists, pharmacist-interns, and pharmacy technicians who recognize their impairment and seek assistance and monitoring under the under the guidance of the program committee. The proposed rules identify the members of the program committee, the organization of the committee, and the appointment terms.

Impaired professionals' eligibility requirements and terms for participation and continued monitoring under the program are established. The proposed rules define actions that constitute noncompliance with the terms of participation in the program and the consequences of noncompliance. The proposed rules also identify the circumstances under which program participant records and information may be disclosed to parties other than members of the committee. The proposed rules also authorize the committee to enter into 28E agreements with other health

professional licensing boards to share administrative personnel to evaluate, assist, and monitor eligible program participants and to report noncompliant participants to the appropriate licensing board for appropriate action.

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

Any interested person may present written comments, data, views, and arguments on the proposed amendment not later than 4:30 p.m. on August 30, 2016. Such written materials may be sent to Terry Witkowski, Executive Officer, Board of Pharmacy, 400 S.W. Eighth Street, Suite E, Des Moines, Iowa 50309-4688; or by E-mail to [terry.witkowski@iowa.gov](mailto:terry.witkowski@iowa.gov).

A public hearing will be held on August 30, 2016, between 3:00 p.m. and 4:00 p.m. in the large conference room, 400 S.W. Eighth Street, Suite E, Des Moines, IA 50309. Persons attending the hearing may present their views either orally or in writing. Persons will be asked to give their names and addresses for the record and to confine their remarks to the content of the proposed amendment.

After analysis and review of this rule making, the Board has determined that the effect of this proposed rulemaking on jobs cannot be accurately predicted. One of the goals of the Iowa Monitoring Program for Pharmacy Professionals is to encourage pharmacists, pharmacist-interns, and pharmacy technicians who recognize their impairment and who seek assistance and monitoring under the terms of the program to remain in practice within the profession. The continued employment and professional practice afforded these individuals, under the guidance and monitoring provided by this program, should have a positive impact on jobs in Iowa.

This amendment is intended to implement Iowa Code section 272C.3(1)“k.”

The following amendment is proposed.

Rescind current Chapter 30, “Impaired Pharmacy Professional and Technician Recovery

Program,” and adopt the following new chapter in lieu thereof:

## CHAPTER 30

### IOWA MONITORING PROGRAM FOR PHARMACY PROFESSIONALS

**657—30.1(272C) Iowa monitoring program for pharmacy professionals committee.** Pursuant to the authority of Iowa Code section 272C.3(1) “k,” the board establishes the Iowa monitoring program for pharmacy professionals. The purpose of the committee is to provide a program to support the evaluation and monitoring of licensees who are impaired as a result of alcohol or drug abuse, dependency, or addiction, or by any mental or physical disorder or disability, while protecting the health, safety and welfare of the public.

**657—30.2(272C) Definitions.** For purposes of these rules, the following definitions shall apply:

“*Board*” means the Iowa board of pharmacy.

“*Committee*” means the Iowa monitoring program for pharmacy professionals committee.

“*Contract*” means the written document executed by an applicant or licensee and the committee after the committee receives a report from an approved treatment provider, which establishes the terms for participation in the program.

“*Impairment*” means an inability, or significant potential for inability, to practice with reasonable safety and skill as a result of a diagnosed substance use disorder or any diagnosed mental or physical health condition.

“*Initial agreement*” means the written document establishing the initial terms for participation in the program.

“*Licensee*” means a pharmacist licensed by the board, a pharmacist-intern registered with the board, or a pharmacy technician registered with the board.

“*Participant*” means an applicant or licensee who does any of the following: self-reports an

impairment to the program, is referred to the program by the board, signs an initial agreement with the committee, or signs a contract with the committee.

*“Program”* means the Iowa monitoring program for pharmacy professionals.

*“Self-report”* means an applicant or licensee provides written notification to the committee that the applicant or licensee has been, is, or may be impaired. Information related to impairment or a potential impairment which is provided on a license application or renewal form may be considered a self-report.

**657—30.3(272C) Organization of the committee.** The board shall appoint the members of the Iowa monitoring program for pharmacy professionals committee.

**30.3(1) Membership.** The membership of the committee includes, but is not limited to:

- a. The executive director of the board or the director’s designee from board staff;
- b. One representative from Drake University College of Pharmacy and Health Sciences;
- c. One representative from the University of Iowa, College of Pharmacy;
- d. One board of pharmacy licensee who has maintained sobriety for a period of no less than two years following successful completion of a recovery program;
- e. One health care professional with expertise in substance use disorders;
- f. One health care professional with expertise in mental health; and
- g. One public member.

**30.3(2) Officers.** At the last meeting of each calendar year, the committee shall elect a chairperson and a vice chairperson, each of whom will begin serving a one-year term on January 1.

- a. The chairperson is responsible for offering guidance and direction to staff between regularly scheduled committee meetings, including guidance and direction concerning negotiation and execution of initial agreements, contracts, and program descriptions and interim restrictions on

practice, on behalf of the committee. The committee retains authority to review all interim decisions at its discretion.

*b.* The vice chairperson is responsible for providing guidance and direction to staff between regularly scheduled committee meetings if the chairperson is unavailable or unable to assist in a particular matter.

**30.3(3) Terms.** Committee members, except the executive director or designee, shall be appointed for three-year terms and shall serve for a maximum of three terms. Each term shall expire on December 31 of the third year of the term.

**657—30.4(272C) Eligibility.**

**30.4(1) Self-report.** An applicant or a licensee shall self-report an impairment or potential impairment directly to the program.

**30.4(2) Board referral.** The board may refer an applicant or licensee to the program if a complaint or investigation reveals an impairment or potential impairment and the board determines that the individual is an appropriate candidate for review by the committee. The board may refer a licensee to the program in a public disciplinary order or other public order.

**30.4(3) Review by the committee.** The committee will determine on a case-by-case basis whether an applicant or licensee who self-reports or is referred by the board is an appropriate candidate for participation in the program. Several factors may lead to the committee's determination that an applicant or licensee is ineligible to participate in the program, including but not limited to if the committee finds sufficient evidence that the applicant or licensee:

- a.* Diverted drugs for distribution to third parties or for personal profit;
- b.* Adulterated, misbranded, or otherwise tampered with drugs intended for a patient;
- c.* Provided inaccurate, misleading, or fraudulent information or failed to fully cooperate with

the committee;

- d.* Participated in the program, or similar programs offered by other states, without success; or
- e.* Fails to sign an initial agreement or a contract when offered by the committee.

**30.4(4) *Discretion.*** Eligibility to participate in the program is at the sole discretion of the committee. No person is entitled to participate in the program.

**30.4(5) *Authority and jurisdiction.*** Participation in the program does not divest the board of its authority or jurisdiction over the participant. A participant with an impairment or potential impairment may be eligible to participate in the program while being subject to investigation or discipline by the board for matters other than the alleged impairment.

**657—30.5(272C) *Terms of participation.*** A participant shall agree to comply with the program terms of participation established in the initial agreement and the contract. Participants will be responsible for all expenses incurred to comply with the terms imposed by the program. Terms of participation specified in the contract shall include, but not be limited to:

**30.5(1) *Duration.*** The length of time a participant may participate in the program shall be determined by the committee in accordance with the following:

*a.* Participation in the program for participants impaired as a result of a substance use disorder is set at a minimum of three years. The committee may offer a contract with a shorter duration to a participant who can demonstrate successful participation in another state's monitoring program, who can document similar experience, or who, as a board referral, has successfully completed a portion of the monitoring period established in the board order.

*b.* Length of participation in the program for participants with impairments resulting from mental or physical conditions will vary depending upon the recommendations provided by health care providers and the determination of the committee following review of all relevant information.

**30.5(2) Requirements.** The committee shall establish terms designed to meet the specific needs of the participant. The committee shall determine the type of recovery, rehabilitation, or maintenance program required to treat the participant's impairment. The contract shall provide a detailed description of the goals of the program, the requirements for successful participation, and the participant's obligations therein. The committee may establish terms specific to a participant's impairment including, but not limited to: treatment, aftercare, worksite monitoring, chemical screening, further evaluations, structured recovery meetings, therapy, and medication management.

**30.5(3) Practice restrictions.** The committee may impose restrictions on the license to practice as a term of the initial agreement or contract until such time as the committee receives a report from an approved evaluator and the committee determines, based on all relevant information, that the participant is capable of practicing with reasonable skill and safety. As a condition of participation in the program, a licensee is required to agree to restricted practice in accordance with the terms specified in the initial agreement or contract. In the event the licensee refuses to agree to or comply with the practice restrictions, the committee shall refer the licensee to the board for appropriate action.

**30.5(4) Noncompliance.** Noncompliance is the failure to adhere to the terms of the initial agreement or contract. Participants shall promptly notify the committee of any instances of noncompliance, including relapse. Any instances of significant noncompliance shall be reported by the committee to the board. The report shall include a description of the noncompliance and the committee's recommendation as to whether the participant should remain in the program.

**657—30.6(272C) Confidentiality.** Information in the possession of the board or the committee shall be subject to the confidentiality requirements of Iowa Code section 272C.6. Information about participants in the program shall not be disclosed except as provided in this rule.

**30.6(1)** The committee is authorized, pursuant to Iowa Code section 272C.6(4), to communicate information about a current or former program participant to the applicable regulatory authorities or licensee monitoring programs in the state of Iowa and in any jurisdiction of the United States or foreign nations in which the participant is currently licensed or in which the participant seeks licensure. Program participants must report their participation to the applicable monitoring program or licensing authority in any state in which the participant is currently licensed or in which the participant seeks licensure.

**30.6(2)** The committee is authorized to communicate information about a program participant to any person assisting in the participant's treatment, recovery, rehabilitation, monitoring, or maintenance for the duration of the contract.

**30.6(3)** The committee is authorized to communicate information about a program participant to the board in the event a participant does not comply with the terms of the contract as set forth in rule 657—30.5. The committee may provide the board with a participant's program file in the event the participant does not comply with the terms of the contract and the committee refers the case to the board for the filing of formal disciplinary charges or other appropriate action. If the board initiates disciplinary action against a licensee for noncompliance with the terms of the contract, the board may include information about a licensee's participation in the program in the public disciplinary documents. The committee is also authorized to communicate information about a participant to the board in the event the participant is under investigation by the board.

**30.6(4)** The committee is authorized to communicate information about a current or former program participant to the board if reliable information held by the committee reasonably indicates a significant risk to the public exists. If the board initiates disciplinary action based upon this information, the board may include in the public disciplinary documents information about a

licensee's participation if necessary to address impairment issues related to the violations which are the subject of the disciplinary action.

**657—30.7(28E) Authority for 28E agreements.** The committee may enter into 28E agreements with other health professional licensing boards to evaluate, assist, and monitor impaired licensees from other health professions who self-report and to report to those professional licensing boards regarding the compliance of individual licensees. In the event of noncompliance, the licensee may be referred to the appropriate licensing board for appropriate disciplinary action.

These rules are intended to implement Iowa Code section 272C.3(1)"k."

**ADDENDUM W**  
**ADOPTED AND FILED**  
**CHAPTER 21, "ELECTRONIC DATA IN PHARMACY PRACTICE"**  
**JUNE 30, 2016**

PHARMACY BOARD [657]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 124.301 and 147.76, the Board of Pharmacy hereby amends Chapter 21, "Electronic Data in Pharmacy Practice," Iowa Administrative Code.

The amendment strikes the final sentence in subrule 21.8(4). The sentence was intended to enforce the requirement that a prescription that is created and transmitted electronically must be maintained by the pharmacy as an electronic record and that a printed hard copy of the electronic prescription cannot replace the electronic record as the original prescription record. The sentence has been misinterpreted to prohibit the printing of an electronically created and transmitted prescription.

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 April 13, 2016, Iowa Administrative Bulletin as ARC 2498C. The Board received no written comments regarding the proposed amendment. The adopted amendment is identical to that published under Notice.

The amendment was approved during the June 30, 2016, meeting of the Board of Pharmacy.

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

This amendment is intended to implement Iowa Code sections 124.301, 124.306, 124.308, 155A.27, and 155A.35.

This amendment will become effective on September 7, 2016.

The following amendment is adopted.

Amend subrule 21.8(4) as follows:

**21.8(4) *Original prescription.*** The electronic transmission shall be deemed the original prescription drug order provided it meets the requirements of this rule. The electronic transmission of

a prescription drug order for a controlled substance shall meet all requirements of the DEA for electronic prescribing. An electronically prepared and transmitted prescription shall be maintained electronically in the prescriber's electronic prescription application and the pharmacy prescription application for a minimum period of two years following the date of last activity on that prescription record. ~~Once a prescription is created and transmitted electronically, the prescription record shall not be printed and retained as a hard-copy record.~~