

State of Iowa
Board of Pharmacy

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

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BOARD MEMBERS

LADONNA GRATIAS
EDWARD McKENNA
EDWARD MAIER

JAMES MILLER

Board Chair

ANDREW FUNK

Executive Director

BOARD MEMBERS

JASON HANSEL
KAY JESSEN
SHARON MEYER

MINUTES

August 30-31, 2016

The Iowa Board of Pharmacy met on August 30-31, 2016, in the conference room at 400 SW Eighth Street, Des Moines, Iowa.

TUESDAY, AUGUST 30, 2016

MEMBERS PRESENT

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

STAFF PRESENT

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

Call to Order & Announcements

At 9:00 a.m., James Miller, Chairperson called the meeting of the Iowa Board of Pharmacy to order on Tuesday, August 30, 2016.

Administrative Hearings

2015-66, Wendell Simmonds, Pharmacist License No. 14823, Sioux City.

At 9:00 a.m., Margaret LaMarche, Administrative Law Judge, Department of Inspections and Appeals opened the record. Assistant Attorney General Meghan Gavin represented the State. Mr. Simmonds appeared before the Board and was represented by Kellen Bubach. The session was conducted in the presence of the Board and was open to the public.

Ms. Gavin explained to the Board that the State was provided with the transaction history of all the prescriptions that were filled on Saturday, January 26, 2013, at Leeds Pharmacy and after reviewing those documents, the documents demonstrated that Mr. Simmonds was not working in the pharmacy on that day. The State no longer believes there is probable cause to support the Statement of Charges filed on May 4, 2016, against Mr. Simmonds and recommended the case be dismissed.

At 9:07 a.m., the record was closed.

Motion by Edward Maier, seconded by Edward McKenna, to dismiss the case against Wendell Simmonds. Motion approved unanimously.

Administrative Law Judge LaMarche will draft the Order for the Board Chair's signature in case 2015-66, Wendell Simmonds.

Beau Tousignant – Appeal from Preliminary Order to Deny Registration.

At 9:20 a.m., Margaret LaMarche, Administrative Law Judge, Department of Inspections and Appeals opened the record. Assistant Attorney General Laura Steffensmeier represented the State. Mr. Tousignant appeared before the Board and was self represented. The session was conducted in the presence of the Board and open to the public.

The Board examined exhibits.

At 9:50 a.m., the record was closed.

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

At 9:50 a.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.

At 10:10 a.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 Maier, to direct Administrative Law Judge LaMarche to draft the Order consistent with the Board's deliberation for the Beau Tousignant case. Motion approved unanimously.

Closed Session

At 10:24 a.m., on a motion by Jason Hansel, seconded by Edward McKenna, the Board voted unanimously by roll call vote to move into closed session pursuant to Iowa Code section 21.5(1)(a), to review or discuss records which are required or authorized by state or federal

law to be kept confidential; pursuant to Iowa Code section 21.5(1)(d), to discuss whether to initiate licensee disciplinary investigations or proceedings; and pursuant to Iowa Code section 21.5(1)(f), to discuss the decision to be rendered in a contested case conducted according to the provisions of Chapter 17A.

At 12:02 p.m., while still in closed session, Sharon Meyer, moved that the Board go into open session, seconded by Jason Hansel. Motion approved unanimously.

Public Hearings

Proposed 657 Chapter 13, "Telepharmacy Practice," Rules.

A public hearing was held on August 30, 2016, at 1:00 p.m. in the large conference room at 400 S.W. Eighth Street, Suite E, Des Moines, IA 50309. The Board received comments from individuals attending the hearing regarding the proposed rules.

Proposed 657 Chapter 30, "Iowa Monitoring Program for Pharmacy Professionals, (IMP3) Rules.

A public hearing was held on August 30, 2016, at 3:00 p.m. in the large conference room at 400 S.W. Eighth Street, Suite E, Des Moines, IA 50309. The Board received comments from individuals attending the hearing regarding the proposed rules.

Closed Session

At 3:15 p.m., on a motion by Jason Hansel, seconded by Edward Maier, 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 4:38 p.m., while still in closed session, Edward Maier, moved that the Board go into open session, seconded by Edward McKenna. Motion approved unanimously.

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

At 4:39 p.m., on a motion by Jason Hansel, seconded by Kay Jessen, 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 4:42 p.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 actions were taken:

1. Settlement Agreement and Final Order.

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

- A. 2016-57, Walgreens #4405, Pharmacy License No. 719, Council Bluffs. A copy of the Settlement Agreement and Final Order is attached as Addendum A.
 - B. 2016-57, Anthony Allee, Pharmacist License No. 21301, Omaha, Nebraska. A copy of the Settlement Agreement and Final Order is attached as Addendum B.
 - C. 2016-57, Craig Johnson, Pharmacy Technician Registration No. 16631, Council Bluffs. A copy of the Settlement Agreement and Final Order is attached as Addendum C.
 - D. 2016-57, Stephanie Carberry, Pharmacy Technician Registration No. 17243, Council Bluffs. A copy of the Settlement Agreement and Final Order is attached as Addendum D.
 - E. 2016-57, Amber Cozad, Pharmacy Technician Registration No. 17634, Council Bluffs. A copy of the Settlement Agreement and Final Order is attached as Addendum E.
 - F. 2016-57, Daniel Mathew, Pharmacy Technician Registration No. 23283, Omaha, Nebraska. A copy of the Settlement Agreement and Final Order is attached as Addendum F.
 - G. 2016-57, Nicole Schulz, Pharmacy Technician Registration No. 23311, Council Bluffs. A copy of the Settlement Agreement and Final Order is attached as Addendum G.
 - H. 2015-217, Melanie Howard, ARNP, Controlled Substance Registration No. 5203144, Des Moines. A copy of the Settlement Agreement and Final Order is attached as Addendum H.
2. Findings of Fact, Conclusions of Law, Decision and Order.
- Motion by Sharon Meyer, seconded by Edward McKenna, to approve the Findings of Fact, Conclusions of Law, Decision and Order in the following cases. Motion approved unanimously.
- A. 2015-25, Inie Clement, Pharmacist License No. 16963, Des Moines. A copy of the Findings of Fact, Conclusions of Law, Decision and Order is attached as Addendum I.
 - B. 2015-201, Courtney House, Pharmacy Technician Registration No. 16152, Hedrick. A copy of the Findings of Fact, Conclusions of Law, Decision and Order is attached as Addendum J.
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. 2015-172, Palm Beach Pharmaceuticals Inc. Nonresident Pharmacy License No. 3715, Palm Beach, Florida. A copy of the Notice of Hearing and Statement of Charges is attached as Addendum K.

- B. 2016-32, Norwood Pharmacy LLC, Nonresident Pharmacy License No. 4268, Maryland Heights, Maryland. A copy of the Notice of Hearing and Statement of Charges is attached as Addendum L.
 - C. 2016-39, Bellevue Pharmacy, Nonresident Pharmacy License No. 3946, Maryland Heights, Maryland. A copy of the Notice of Hearing and Statement of Charges is attached as Addendum M.
 - D. 2016-40, Bellevue Pharmacy, Nonresident Pharmacy License No. 4355, Arlington Heights, Illinois. A copy of the Notice of Hearing and Statement of Charges is attached as Addendum N.
 - E. 2016-50, Medaus Pharmacy, Nonresident Pharmacy License No. 3403, Birmingham, Alabama. A copy of the Notice of Hearing and Statement of Charges is attached as Addendum O.
 - F. 2016-51, Meds Direct Rx of FL LLC, Nonresident Pharmacy License No. 3301, Deerfield Beach, Florida. A copy of the Notice of Hearing and Statement of Charges is attached as Addendum P.
 - G. 2016-58, Life-Q LLC Pharmacy, Nonresident Pharmacy License No. 4328, Nashville, Tennessee. A copy of the Notice of Hearing and Statement of Charges is attached as Addendum Q.
4. Voluntary Cancellation Agreement.
- Motion by Sharon Meyer, seconded by Jason Hansel, to accept the Voluntary Cancellation Agreement for Joseph M. Seng, DVM, Controlled Substance Registration No. 1508350, Davenport. Motion approved unanimously. A copy of the Voluntary Cancellation Agreement is attached as Addendum R.
5. Letter of Education.
- Motion by Jason Hansel, seconded by Edward Maier, to issue a Letter of Education to the technician in 2016-70; two pharmacies, pharmacist in charge, technician, and verifying pharmacist in 2016-104; pharmacist in 2016-82; and pharmacist in 2016-92. Motion approved unanimously.
6. Notice of Intent to Deny.
- Motion by Edward McKenna, seconded by LaDonna Gratias, to draft a Preliminary Notice of Intent to Deny the Iowa Wholesale Drug License Application for Am Ex Pharmacy, Melbourne, Florida. Motion approved unanimously.
7. Draft Statement of Charges.
- Motion by Edward McKenna, seconded by Edward Maier, to draft Statement of Charges against the pharmacist in 2016-43, pharmacy in 2016-78, pharmacist in 2016-86, pharmacy in 2016-117, and pharmacy in 2016-18. Motion approved unanimously.
8. Administrative Warning.
- Motion by Edward Maier, seconded by Edward McKenna, to issue an Administrative Warning to the two pharmacies and corporate in 2016-70; wholesaler in 2016-84;

wholesaler in 2016-85; and pharmacist in charge, pharmacy and two pharmacies in 2016-15. Motion approved unanimously.

9. Close With No Further Action.

Motion by Edward McKenna, seconded by Sharon Meyer, to close with no further action the following investigative files in complaint numbers: 2015-221, 2015-189, 2016-72, 2016-93, 2016-62, 2016-69, 2016-109, 2016-98, 2016-1, 2016-2, 2016-30, 2016-55, 2016-64, 2015-205, 2016-47, 2016-90, 2016-34, 2016-41, 2016-65, 2016-74, and 2016-116. Motion approved unanimously.

10. Closed Session Minutes and Deliberation.

Motion by Edward Maier, seconded by Jason Hansel, to approve the Closed Session Minutes of the June 29, 2016, meeting, and Closed Session Deliberation Minutes of the June 29, 2016, meeting. Motion approved unanimously.

At 4:58 p.m. the Board recessed.

The meeting reconvened in open session on Wednesday, August 31, 2016, at 9:00 a.m.

WEDNESDAY, AUGUST 31, 2016

MEMBERS PRESENT

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

SPEAKERS

Anthony Pudlo, IPA
Megan Myers, IPA
Michael Andreski, Drake
Miriam Mobley Smith, PTCP
Jessica Langley, NHA ExCPT
Cheri Schmit, GRX
Kate Gainer, IPA
Matthew Maker, Decorah

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
Daniel Sedlacek, Compliance Officer
James Wolfe, Compliance Officer

Call to Order and Announcements

At 9:00 a.m., James Miller, Chairperson, called the meeting of the Iowa Board of Pharmacy to order on Wednesday, August 31, 2016.

Public Comments

No public comments.

Approval of Minutes

The minutes of the June 28, 2016, Strategic Planning meeting and minutes of the June 29-30, 2016, open session meeting were reviewed.

Motion by LaDonna Gratiias, seconded by Edward McKenna, to approve the minutes of the June 28, 2016, Strategic Planning meeting, and the open session minutes of the June 28, 2016, meeting as presented. Motion approved unanimously.

Rules and Legislation**1. Iowa Board of Pharmacy Regulatory Plan FY17 Update.**

The Iowa Board of Pharmacy Regulatory Plan FY17 was provided for review and discussion.

2. Legislative Initiatives/Topics for 2017 Session.

Andrew Funk, Terry Witkowski, and compliance staff met on August 16, 2016, to discuss the 2016/2017 Legislative Cycle. Topics of discussion included: TakeAway/Take Back Drug Disposal options; Prescription Monitoring Program (PMP); composition of board members; definitions regarding updating wholesaler definition to match Federal DSCSA and add definition of 3PL (third party logistics); and reviewing and updating Iowa Code Chapters 155A and 124B.

3. Notice of Intended Action – Amend Chapter 8, “Universal Practice Standards.”

Motion by Edward Maier, seconded by Jason Hansel, to approve for filing Notice of Intended Action. Motion approved unanimously. A copy is attached as Addendum S.

Reports**1. Executive Director’s Report -****Meetings and Travel**

- A. Andrew Funk introduced Dan Sedlacek as the new Compliance Officer with the board.
- B. Jean Rhodes and Dan Sedlacek performed routine inspections on August 1-5, 2016, in the state of Florida, at various pharmacies that hold nonresident pharmacies licenses with the Iowa Board of Pharmacy. Two of those inspections resulted in the initiation of complaint investigations.
- C. Andrew Funk will be attending the Council on Licensure, Enforcement & Regulation’s Executive Leadership Program for Regulator on September 12-15, 2016, in Portland, Oregon.
- D. Sue Mears and Laura Steffensmeier will be attending the Federal Drug Administration’s 2016 Intergovernmental Working Meeting on Pharmacy Compounding on September 20-21, 2016, in Silver Springs, Maryland.
- E. Curt Gerhold and Jennifer Tiffany will be attending the National Association of Boards of Pharmacy’s (NABP) Critical Point’s Sterile Compounding Inspector Certification Course in New Jersey on October 18-20, 2016.

- F. The November board meeting is scheduled for November 1-2, 2016, in Des Moines at the board office.
- G. The 51st ASHP Midyear Clinical Meeting will be held in Las Vegas, Nevada on December 4-6, 2016.
- H. 2017 NABP/AACP District 5 Annual Meeting.
The Iowa Board of Pharmacy will be hosting the 2017 NABP/AACP District 5 Annual Meeting. The meeting will be held at the Holiday Inn in West Des Moines on August 3-5, 2017.

Office/Program Updates

- A. The Iowa Department of Public Health has approved a new Prescription Monitoring Program and Controlled Substance Compliance Specialist position. The next step in the process will be for the Department of Administrative Services (DAS) to review the request.
- B. Debbie Jorgenson, Administrative Assistant with the Board will be retiring from the board office on January 12, 2017. Ms. Jorgenson has worked for the Board since 1999, and has been employed by the state for 35 years.
- C. CGMP refers to the Current Good Manufacturing Practice regulations enforced by the US Food and Drug Administration (FDA). Andrew Funk has been in communication with the FDA to have at least one of the Board's compliance staff be certified as an inspector. The FDA will be assisting with that training.

Database Update

The Office of the Chief Information Officer (OCIO) is requiring initial quotes from the two approved state vendors - Communication Systems and Data Centers (CSDC) and SalesForce, and is requiring that the Board disclose their full business requirements to these vendors to give them the first opportunity to bid on the database. Vendor responses are expected to be received by the end of September 2016.

Office Lease

The board office lease is due for renewal on August 31, 2016. 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.

Board Programs

- A. Take Back/TakeAway Programs.
 - 1. Assured Waste Solutions (AWS), Gastonia, North Carolina, will supply the controlled substance receptacles. Areas of need will be identified and receptacles will be placed as necessary.
 - 2. The Iowa Pharmacy Association (IPA) will supply the non-controlled substance receptacles. IPA will be responsible for the administration of the non-controlled substance receptacle program, delivery of receptacles, accounting of supplies, and marketing and outreach.
- B. Iowa Monitoring Program for Pharmacy Professionals (IMP3)

Jeff Reist, faculty at the University of Iowa College of Pharmacy was elected as Committee Chair for the program. Bruce Alexander was elected as Vice-Chair, but declined the position. A new Vice-Chair will be nominated and elected at the next IMP3 meeting.

Miscellaneous

- A. Beginning September 1, 2016, NABP is incorporating the Vet-VIPPS Program into the .pharmacy domain program to streamline its accreditation and approval programs. Facilities that currently have Vet-VIPPS accreditation will maintain all program privileges and transition on or before August 31, 2017.
 - B. Beginning November 1, 2016, there will be changes to the North American Pharmacist Licensure Examination (NAPLEX). The number of examination questions will increase from 185 to 250, the number of hours to take the examination will increase from four hours to six hours, the cost of the NAPLEX registration will increase from \$505 to \$575, and the waiting period between administrations of the examination will be reduced from 91 day to 45 days with a limit of three attempts in a 12 month period.
2. Pharmacy Technician Certification Board's (PTCB) 2020 Initiative – Miriam A. Mobley Smith, Director of Strategic Alliances.

Miriam A. Mobley Smith provided a presentation. PTCE is a Pharmacy Technician Certification Examination and is accredited by the National Commission for Certifying Agencies (NCCA). PTCB is announcing future changes to the PTCB Certification Program. Beginning in 2020, PTCB will require initial candidates for certification to complete a pharmacy technician education program accredited by the American Society of Health System Pharmacists (ASHP) and the Accreditation Council for Pharmacy Education (ASHP/ACPE).

3. ExCPT Pharmacy Technician Certification (CPhT) and National Healthcareer Association (NHA): Access a Better Path to Certification – Jessica Langley, NHA.

Jessica Langley provided a presentation. ExCPT is NHA's Exam for the Certification of Pharmacy Technicians and is accredited by NCCA. There are four eligibility pathways for ExCPT and to receive the CPhT credential. Candidates must successfully complete either a pharmacy technician training program offered by an accredited or state-recognized provider, an employer-based training program, a military training program, or 1200 hours of relevant supervised work experience.

4. Iowa's TakeAway Medication Disposal Program 2015-2016 Annual Report – Iowa Pharmacy Association.

Iowa's TakeAway Medication Disposal Program 2016-2016 Annual Report was provided for review.

5. Iowa Board of Pharmacy Strategic Plan 2016-2021 Report.

Iowa Board of Pharmacy Strategic Plan 2016-2021 Report was provided for review. Motion by Edward Maier, seconded by Edward McKenna to approve the plan. Motion approved unanimously.

6. Compounded Drug Products That Are Essentially Copies of Commercially Available Drug Product Under Section 503A of the Federal Food, Drug, and Cosmetic Act.

Under Section 503A of the Federal Food, Drug, and Cosmetic Act pharmacies and prescribers compound for patient specific. Section 503A does not apply to compounding for animals, only humans. Section 503A sets conditions so compounders can be exempt from certain guidelines.

7. Compounded Drug Products That Are Essentially Copies of Commercially Approved Drug Product Under Section 503B of the Federal Food, Drug, and Cosmetic Act.

Under Section 503B of the Federal Food, Drug, and Cosmetic Act outsourcing facilities are registered with the FDA, are facilities that compound drug products for office use, are not patient specific, and must comply with the current manufacturing standards.

8. Food and Drug Administration Draft Guidance for Industry – Insanitary Conditions at Compounding Facilities.

Informational item.

9. Drug Monitoring Programs Reduce Opioid Deaths.

Informational item.

10. Report on State Action to Combat Opioids and NGA Activities.

Informational item.

11. Governors Sign Compact to Fight Opioid Addiction.

Informational item.

12. College of Psychiatric & Neurologic Pharmacists (CPNP) Guidelines Opioid Use Disorders and Naloxone Access.

Informational item.

13. 2016 2nd Quarter Telepharmacy Report – State Center.

State Center submitted their 2nd Quarter 2016 telepharmacy report for review.

14. New Practice Model for Community Pharmacy Quarter and Final Reports – Megan Myers, IPA and Michael Andreski, Drake.

Megan Myers and Michael Andreski provided summaries for the following reports:

- Quarterly Report for Phase One Quarter 9 and Phase Two Quarter 6
- Phase One Extension 8 Month Final Report
- Phase Two 18 Month Final Report

Requests

1. Request for Waiver – 657 I.A.C. 2.11(1) Iowa Pharmacist License Expiration and Renewal – Kelly M. Rudd, Jordanville, New York.

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

2. Request for Waiver – 657 I.A.C. 8.9 Records – Hy-Vee Mainstreet #7060, Pharmacy License No. 146, Muscatine.

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

3. Request to Renew/Extend Waiver – 657 I.A.C. 20.4 Sterile Compounding – Mercy Medical Center, Sioux City.

Motion by Edward Maier, seconded by Edward McKenna, to approve the request for waiver until March 31, 2017. Motion approved unanimously.

4. Request for Approval of Tech-Check-Tech Program for Long-Term Care Facility (LTCF) Patient Refill Dispensing – Matthew Maker, Donlon Healthmart Pharmacy, Decorah.

Motion by Edward Maier, seconded by LaDonna Gratiyas, to approve the request for a tech-check-program for LTCF residents' refill medications and have the pharmacy work with their compliance officer to provide a formatted report for the November 2016, board meeting. Motion approved unanimously.

5. NAPLEX Waiting Period Policy – National Association of Boards of Pharmacy.

Motion by Edward Maier, seconded by Edward McKenna, to decrease the NAPLEX examination waiting period from 91-days to 45-days until November 1, 2016. Motion approved unanimously.

Licensure and Registrations

Application for Pharmacy Technician Trainee Registration – Ebony M. Walker, Waterloo.

Motion by Jason Hansel, seconded by Kay Jessen, to deny the Application for Pharmacy Technician Trainee Registration. Motion approved unanimously.

Board Action on Proposed Rules for “Telepharmacy Practice,” and “Iowa Monitoring Program for Pharmacy Professionals (IMP3).”

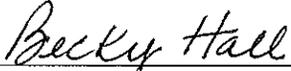
The Board referred this to the Rules Committee.

Closed Session

At 1:21 p.m., on a motion by Sharon Meyer, seconded by Edward McKenna, the Board voted unanimously by roll call vote to move into closed session pursuant to Iowa Code section 21.5(1)(a), to review or discuss records which are required or authorized by state or federal law to be kept confidential; and pursuant to Iowa Code section 21.5(1)(d), to discuss whether to initiate licensee disciplinary investigations or proceedings according to the provisions of Chapter 17A.

At 1:23 p.m., while still in closed session, Edward Maier, moved that the Board go into open session, seconded by Edward McKenna. Motion approved unanimously.

Motion by Edward McKenna, seconded by Edward Maier, to adjourn at 1:25 p.m. on August 31, 2016.



Becky Hall
Recording Secretary



Andrew Funk
Executive Director



James Miller
Board Chair

APPROVED THIS 2nd DAY OF November, 2016.

ADDENDUM A

SETTLEMENT AGREEMENT AND FINAL ORDER

WALGREENS PHARMACY #4405

PHARMACY LICENSE NO. 719

COUNCIL BLUFFS, IOWA

BEFORE THE IOWA BOARD OF PHARMACY

Re:	)	CASE NO. 2016-57
Pharmacy License of)	
	)	SETTLEMENT AGREEMENT
WALGREENS #4405	)	AND FINAL ORDER
License No. 719)	
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 Walgreens #4405 ("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 June 30, 2016.
2. The Board has jurisdiction over the parties and the subject matter of these proceedings.
3. Respondent neither admits nor denies the allegations in the Statement of Charges, but does not contest that the allegations, if proven in a contested case proceeding, may 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 employing technicians without proper registrations 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.

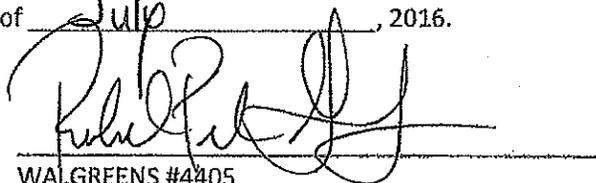
14. Respondent shall pay a **CIVIL PENALTY** in the amount of one thousand dollars (\$1000) within thirty (30) days of Board approval of this Order. The check shall be made payable to the "Treasurer of Iowa" and shall be deposited in the general fund.

15. Respondent shall submit a copy of its policy or procedure for ensuring its employees are properly licensed or registered to the Board within thirty (30) days of Board approval of this Order.

16. The items required to be submitted pursuant to paragraphs 14 and 15 should be mailed to the Iowa Board of Pharmacy, Attn: Debbie Jorgenson, 400 SW Eighth Street, Suite E, Des Moines, IA 50309.

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

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



WALGREENS #4405

Respondent

By this signature, Rudul Pulje acknowledges s/he is the
VP Pharmacy Operations for Walgreens #4405 and is authorized to sign this
Settlement Agreement and Final Order on behalf of Walgreens #4405.

This Settlement Agreement and Final Order is approved by the Iowa Board of Pharmacy on the
30 day of August, 2016.

Jan Mills
Chairperson
Iowa Board of Pharmacy

Copy to:

Laura Steffensmeier
Assistant Attorney General
Office of the Attorney General of Iowa
1305 E. Walnut St.
Des Moines, IA 50319
ATTORNEY FOR THE STATE

ADDENDUM B

SETTLEMENT AGREEMENT AND FINAL ORDER

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

BEFORE THE IOWA BOARD OF PHARMACY

Re:	)	CASE NO. 2016-57
Pharmacist License of)	
	)	SETTLEMENT AGREEMENT
ANTHONY ALLEE	)	AND FINAL ORDER
License No. 21301)	
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 Anthony Allee ("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 June 30, 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.

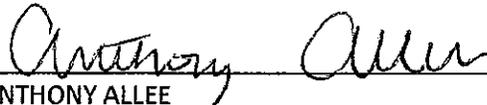
IT IS THEREFORE ORDERED:

13. Respondent is hereby **CITED** for failing to ensure proper registrations for pharmacy technicians 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 two hundred fifty dollars (\$250) within thirty (30) 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 20th day of July, 2016.



ANTHONY ALLEE
Respondent

This Settlement Agreement and Final Order is approved by the Iowa Board of Pharmacy on the
30th day of August, 2016.



Chairperson
Iowa Board of Pharmacy

Copy to:

Laura Steffensmeier
Assistant Attorney General
Office of the Attorney General of Iowa
1305 E. Walnut St.
Des Moines, IA 50319
ATTORNEY FOR THE STATE

ADDENDUM C

SETTLEMENT AGREEMENT AND FINAL ORDER

CRAIG JOHNSON

PHARMACY TECHNICIAN REGISTRATION NO. 16631

COUNCIL BLUFFS, IOWA

BEFORE THE IOWA BOARD OF PHARMACY

Re:	)	CASE NO. 2016-57
Certified Technician Registration of)	
	)	SETTLEMENT AGREEMENT
CRAIG JOHNSON	)	AND FINAL ORDER
Registration No. 16631)	
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 Craig Johnson ("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 June 30, 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 working without current technician registration 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 one hundred dollars (\$100) within thirty (30) 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 7 day of August, 2016.

Craig H. Johnson

CRAIG JOHNSON

Respondent

This Settlement Agreement and Final Order is approved by the Iowa Board of Pharmacy on the
30th day of August, 2016.



Chairperson
Iowa Board of Pharmacy

Copy to:

Laura Steffensmeier
Assistant Attorney General
Office of the Attorney General of Iowa
1305 E. Walnut St.
Des Moines, IA 50319
ATTORNEY FOR THE STATE

ADDENDUM D

SETTLEMENT AGREEMENT AND FINAL ORDER

**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)	
	)	SETTLEMENT AGREEMENT
STEPHANIE CARBERRY	)	AND FINAL ORDER
Registration No. 17243)	
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 Stephanie Carberry ("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 June 30, 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. 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 working without current technician registration 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.

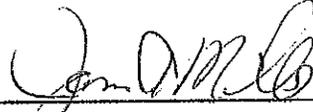
14. Respondent shall pay a **CIVIL PENALTY** in the amount of one hundred dollars (\$100) within thirty (30) days of Board approval of this Order. The check shall be made payable to the "Treasurer of Iowa" and shall be deposited in the general fund. The civil penalty should be mailed to the Iowa Board 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 25 day of July, 2016.


STEPHANIE CARBERRY
Respondent

This Settlement Agreement and Final Order is approved by the Iowa Board of Pharmacy on the
30th day of August, 2016.



Chairperson
Iowa Board of Pharmacy

Copy to:

Laura Steffensmeier
Assistant Attorney General
Office of the Attorney General of Iowa
1305 E. Walnut St.
Des Moines, IA 50319
ATTORNEY FOR THE STATE

ADDENDUM E

SETTLEMENT AGREEMENT AND FINAL ORDER

AMBER COZAD

PHARMACY TECHNICIAN REGISTRATION NO. 17634

COUNCIL BLUFFS, IOWA

BEFORE THE IOWA BOARD OF PHARMACY

Re:) Certified Technician Registration of) AMBER COZAD) Registration No. 17634) Respondent.))	CASE NO. 2016-57 SETTLEMENT AGREEMENT AND FINAL ORDER
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Pursuant to Iowa Code sections 17A.12(5) and 272C.3(4) (2015), and 657 IAC 36.6, the Iowa Board of Pharmacy ("Board") and Amber Cozad ("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 June 30, 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. 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.

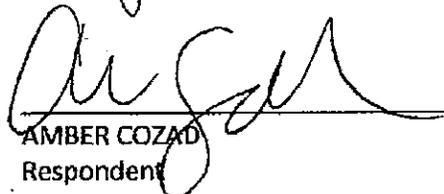
IT IS THEREFORE ORDERED:

13. Respondent is hereby **CITED** for working without current technician registration 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.

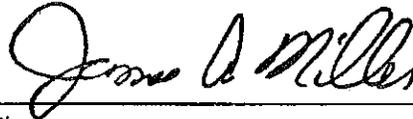
14. Respondent shall pay a **CIVIL PENALTY** in the amount of one hundred dollars (\$100) within thirty (30) days of Board approval of this Order. The check shall be made payable to the "Treasurer of Iowa" and shall be deposited in the general fund. The civil penalty should be mailed to the Iowa Board 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 17th day of August, 2016.


AMBER COZAD
Respondent

This Settlement Agreement and Final Order is approved by the Iowa Board of Pharmacy on the 30th day of August, 2016.



Chairperson
Iowa Board of Pharmacy

Copy to:

Laura Steffensmeier
Assistant Attorney General
Office of the Attorney General of Iowa
1305 E. Walnut St.
Des Moines, IA 50319
ATTORNEY FOR THE STATE

ADDENDUM F

SETTLEMENT AGREEMENT AND FINAL ORDER

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

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.

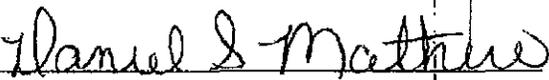
IT IS THEREFORE ORDERED:

13. Respondent is hereby **CITED** for working without current technician registration 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 one hundred dollars (\$100) within thirty (30) 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.

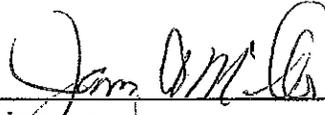
15. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 147, 155A, and 272C and 657 IAC 36.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 17 day of August, 2016.



DANIEL MATHEW
Respondent

This Settlement Agreement and Final Order is approved by the Iowa Board of Pharmacy on the
30th day of August, 2016.



Chairperson
Iowa Board of Pharmacy

Copy to:

Laura Steffensmeier
Assistant Attorney General
Office of the Attorney General of Iowa
1305 E. Walnut St.
Des Moines, IA 50319
ATTORNEY FOR THE STATE

ADDENDUM G

SETTLEMENT AGREEMENT AND FINAL ORDER

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)	
NICOLE SCHULZ	)	SETTLEMENT AGREEMENT
Registration No. 23311	)	AND FINAL ORDER
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 Nicole Schulz ("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 June 30, 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. 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.

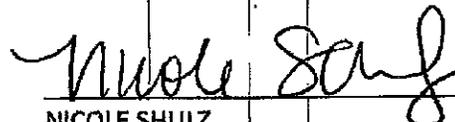
IT IS THEREFORE ORDERED:

13. Respondent is hereby **CITED** for working without current technician registration 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 one hundred dollars (\$100) within thirty (30) 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.

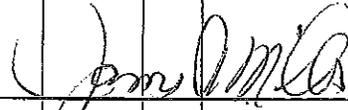
15. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 147, 155A, and 272C and 657 IAC 36.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 17 day of August, 2016.



NICOLE SHULZ
Respondent

This Settlement Agreement and Final Order is approved by the Iowa Board of Pharmacy on the 30th day of August, 2016.



Chairperson
Iowa Board of Pharmacy

Copy to:

Laura Steffensmeier
Assistant Attorney General
Office of the Attorney General of Iowa
1305 E. Walnut St.
Des Moines, IA 50319
ATTORNEY FOR THE STATE

ADDENDUM H

SETTLEMENT AGREEMENT AND FINAL ORDER

**MELANIE HOWARD, ARNP
CONTROLLED SUBSTANCE REGISTRATION NO. 5203144
DES MOINES, IOWA**

BEFORE THE IOWA BOARD OF PHARMACY

	)	Case No. 2015-217
Re:)	
Controlled Substance Registration of	)	SETTLEMENT AGREEMENT
MELANIE HOWARD, ARNP	)	AND
Registration No. 5203144	)	FINAL ORDER
Respondent)	

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

The allegations contained in the Order to Show Cause against the Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

1. Respondent holds Iowa controlled substance registration number 5203144, which is currently active.
2. The Board has jurisdiction over the parties and the subject matter of these proceedings.
3. An Order to Show Cause concerning the Respondent's registration was issued on May 4, 2016. A copy of the Order to Show Cause is attached to this settlement and incorporated herein. The allegations in the Order to Show Cause arose from the remote prescribing procedures instituted by the Respondent's employer.
4. Respondent has chosen not to contest the charges, but acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Order.
5. Execution of this Settlement Agreement and Final Order constitutes the resolution of a contested case. Respondent has a right to hearing before the Board on the charges, but Respondent waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's actions, by freely and voluntarily entering into this Agreement. This Agreement shall constitute the final order of the Board in this case and shall have the force and effect of a disciplinary order entered following a contested case hearing.
6. Should Respondent violate the terms of this Settlement Agreement and Final Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2015) and Iowa Administrative Code chapter 657—36.

7. Respondent is freely and voluntarily entering into this Agreement. Respondent further agrees that the State's counsel may present this Agreement to the Board and may have *ex parte* communications with the Board while presenting it.

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

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

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

11. This Agreement shall be reported to the National Practitioners Data Bank and the National Association of Boards of Pharmacy's Disciplinary Clearinghouse in conformance with the Board's policies and procedures.

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

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

IT IS THEREFORE ORDERED:

14. Within thirty (30) days of the Board's approval of this Settlement Agreement and Final Order, Respondent shall pay a civil penalty in the amount of \$1000. The civil penalty shall be sent to the Board's executive director. The civil penalty shall be made payable to the Treasurer of Iowa to be deposited in the State's general fund.

15. Within thirty (30) days of the Board's approval of this Settlement Agreement and Final Order, Respondent shall provide the Board policies and procedures for prescribing controlled substances, especially Schedule II controlled substances, to Iowa patients.

16. Within thirty (30) days of the purchase and installation of new prescription software, Respondent shall provide the Board with updated policies and procedures for prescribing controlled substances, especially Schedule II controlled substances, to Iowa patients. Upon receipt, the Board may elect to inspect the new software and its implementation.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the

Board for its consideration on the 1st day of AUGUST, 2016.


MELANIE HOWARD, ARNP
Respondent

This Settlement Agreement and Final Order is accepted by the Iowa Board of Pharmacy on the 30th day of August, 2016.


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

cc: Meghan Gavin
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

John P. Roehrick
505 5th Ave.,
Des Moines, IA 50309
ATTORNEY FOR THE RESPONDENT

ADDENDUM I

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

**INIE CLEMENT
PHARMACIST LICENSE NO. 16963
DES MOINES, IOWA**

BEFORE THE IOWA BOARD OF PHARMACY

IN THE MATTER OF:)	
	)	Docket No. 2015-25
Pharmacist License of	)	DIA No. 16PHB007
INIE CLEMENT)	
License No. 16963,	)	FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW,
Respondent.	)	DECISION, AND ORDER
)	

STATEMENT OF THE CASE

On June 23, 2015, the Iowa Board of Pharmacy (Board) found probable cause to file a Notice of Hearing and Statement of Charges against Respondent Inie Clement, alleging that she failed to notify the Board of a change of address.

The hearing was held on June 29, 2016. The following members of the Board presided at the hearing: James Miller, Chairperson; LaDonna Gratiias; Edward McKenna; Edward Maier; Sharon Meyer; and Jason Hansel. Assistant attorney general Meghan Gavin represented the State. Attorney Patricia Hulting represented Respondent Inie Clement, who did not appear for the hearing. The hearing was open to the public pursuant to Respondent's request, 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, as well as the documents associated with the Respondent's Petition to Vacate. The record also includes hearing testimony of Jennifer O'Toole. The State introduced Exhibits 1 through 12, which were admitted as evidence.

FINDINGS OF FACT

Respondent Inie Clement is a licensed pharmacist in the state of Iowa. Her license is currently active and set to expire on June 30, 2017. At some point in early 2015, the Board became aware that the Iowa Department of Revenue had issued license sanctions against Respondent based on an unpaid liability.¹ The Board attempted to mail notification of the sanctions to Respondent at the address on file for her: 1168 22nd Street, Des Moines, Iowa 50311. The letter the Board sent to that address by certified

¹ The Department of Revenue ultimately rescinded the sanction against Clement's license. (O'Toole testimony).

mail was returned to the Board by the United States Postal Service, with "RETURN TO SENDER[;] VACANT[;] UNABLE TO FORWARD" noted on the envelope. The Board resent the letter by regular mail and that mailing did not come back as undeliverable. (O'Toole testimony; Exh. 3, 7).

After receiving the returned correspondence, Board compliance officer Jennifer O'Toole attempted to personally serve the notification on Clement at the 22nd Street address. O'Toole left a message with the person who answered the door requesting that Respondent contact O'Toole. Respondent never contacted O'Toole. (O'Toole testimony; Exh. 3).

O'Toole did online research to attempt to find another address for Respondent. She found information on the Polk County assessor's website showing two other residences for which Respondent was listed as the owner. O'Toole sent letters to Respondent at those two addresses, but received no return contact. (O'Toole testimony).

On June 23, 2015, the Board found probable cause to issue a Statement of Charges against Respondent alleging that she failed to notify the Board within 10 days of a change in address. The Board cited its failed attempts to serve Respondent with the notice of Department of Revenue license sanctions.

Respondent's most recent employer is RPH on the Go, a temporary agency that places traveling pharmacists outside of the Des Moines area. Respondent received a W-2 from RPH on the Go for the 2015 tax year. (O'Toole testimony).

CONCLUSIONS OF LAW

Pursuant to Iowa Code section 155A.12(1), the Board may impose discipline on a pharmacist's license in the event that the licensee violates any provision of Chapter 155A or any rules of the Board adopted under Chapter 155A. Under the Board's rules, a pharmacist is required to report to the Board within 10 days a change of the pharmacist's name, address, or pharmacy employment.²

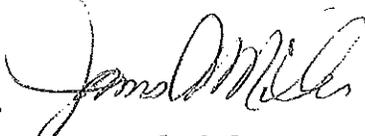
Under these circumstances, the State has not shown by a preponderance of the evidence that Respondent violated the Board rule requiring her to report a change of address within 10 days. There is no evidence of another address at which Respondent resides and there is evidence in the record that she works for a company that places pharmacists in traveling assignments, explaining her temporary absence from her residence for more lengthy periods of time.

² 657 Iowa Administrative Code (IAC) 2.15.

DECISION AND ORDER

IT IS THEREFORE ORDERED that the Statement of Charges filed against Inie Clement on June 23, 2015 is hereby DISMISSED.

Dated this 30th day of August, 2016.


James Miller
Chairperson, Iowa Board of Pharmacy

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

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 J

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

**COURTNEY HOUSE
PHARMACY TECHNICIAN REGISTRATION NO. 16152
HEDRICK, IOWA**

BEFORE THE IOWA BOARD OF PHARMACY

IN THE MATTER OF:)	
	)	Docket No. 2015-201
Certified Technician Registration of	)	DIA No. 16PHB004
COURTNEY HOUSE)	
Registration No. 16152,	)	FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW,
Respondent.	)	DECISION, AND ORDER
)	

STATEMENT OF THE CASE

On March 8, 2016, the Iowa Board of Pharmacy (Board) found probable cause to file a Notice of Hearing and Statement of Charges against Respondent Courtney House. The Statement of Charges alleges two counts: 1) diversion of prescription drugs; and 2) engaging in unethical behavior/theft.

The hearing was held on June 29, 2016. The following members of the Board presided at the hearing: James Miller, Chairperson; LaDonna Gratiias; Edward McKenna; Edward Maier; Sharon Meyer; and Jason Hansel. Assistant attorney general Laura Steffensmeier represented the State. Respondent House did not appear.¹ 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. The record also includes hearing testimony of Curt Gerhold. The State introduced Exhibits 1 through 7, which were admitted as evidence.

FINDINGS OF FACT

At the time of the events in question, Respondent Courtney House held Iowa certified technician registration number 16152. At all times relevant to this action, House was employed at HyVee Pharmacy in Ottumwa, Iowa.

At some point during House's employment, management at HyVee Pharmacy became suspicious that House was stealing money from the store based on discrepancies between daily transactions and register totals. A camera was placed on House at work,

¹ House was served the Statement of Charges & Notice of Hearing by publication after other methods were unsuccessful. (Exh. 7).

which revealed her stealing cash from the store. When House was questioned about this by HyVee staff, she revealed that she had also been diverting controlled substances to herself from the pharmacy. House reported to law enforcement that she was taking the pills that she diverted herself. (Gerhold testimony; Exh. 2, 4).

House made a written statement to HyVee on October 12, 2015:

I, Courtney House, starting June 2015, began redemming [sic] unearned fuel saver, mostly entering phone #, other times I would scan my card. I would use these at hy vee gas and casey[']s total of \$1,458.50. I also started to make false returns. A few times using products off[f] the shelf which I would then return, the other times I would scan in the pink pharmacy slip and manually enter amount, then place the cash in my pocket or purse, total \$3,400.88. Around this time I fell behind in my bills. Amounts taken at a time ranged from \$60-\$100, a few times per shift, 2-3 times weekly. Around the same time I began to take pills from the pharmacy as well. At one time I took a bottle of 500, but mostly taking 30-100 at a time, placing these in vials and putting them into my purse or pocket. I was taking clonazepam 1 mg and alprazolam 1 mg and 2 mg. At one time I did take razors and shaving cream. I have taken a total of \$5,009.48 from hy vee and am willing to pay it back.

(Exh. 5).

A staff pharmacist at HyVee performed a controlled substance audit and it was confirmed that approximately 1,000 tablets of alprazolam and clonazepam were missing. House was arrested on October 12, 2015 and charged with theft in the second degree. (Exh. 2, 4).

CONCLUSIONS OF LAW

Count I: Diversion of Drugs

Pursuant to Iowa Code section 155A.6A(5), the Board is authorized to deny, suspend, or revoke the registration of, or otherwise discipline, a registered pharmacy technician for any violation of any rule of the Board. The Board's rules provide that discipline may be imposed when a registrant diverts prescription drugs from a pharmacy for personal use or distribution.² The evidence establishes that House was diverting drugs from HyVee Pharmacy for personal use. As such, the violation alleged in Count I has been established.

² 657 Iowa Administrative Code (IAC) 36.1(4)(ak).

Count II: Engaging in Unethical Behavior

The Board's rules also provide that a pharmacy technician shall not exhibit unethical behavior in connection with the technician's pharmacy employment. Unethical behavior includes theft.³

The evidence in this case clearly demonstrates that House violated the Board's prohibition against a pharmacy technician engaging in unethical behavior; in this case, theft. House admitted to stealing money and prescription drugs from the pharmacy at which she was employed. The violation alleged in Count II 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 registrant.⁴

The violations committed by House demonstrate that she is unfit to hold a registration as a certified pharmacy technician and presents a danger to the public health, safety, and welfare. House did not appear at hearing to respond to these charges. The violations justify revocation of House's registration.

DECISION AND ORDER

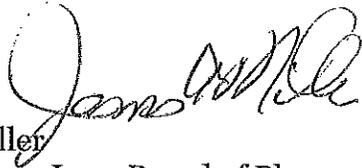
IT IS THEREFORE ORDERED that the pharmacy technician registration issued to Courtney House is hereby REVOKED. If Respondent seeks reinstatement of her registration the burden will be placed on her to show that the basis for the revocation no longer exists and that it is in the public interest for her registration to be reinstated.

IT IS FURTHER ORDERED pursuant to Iowa Code section 272C.6 and 657 Iowa Administrative Code 36.18(2), that Respondent Courtney House shall pay a \$75 fee to the Board for conducting the disciplinary hearing. In addition, the executive director of the Board may bill Respondent for any witness fees and expenses or transcript costs associated with this disciplinary hearing. Respondent shall remit for these expenses within 30 days of receipt of the bill.

³ 657 IAC 3.28(4).

⁴ 657 IAC 36.1(3).

Dated this 30th day of August, 2016



James Miller
Chairperson, Iowa Board of Pharmacy

cc: Laura Steffensmeier, Assistant Attorney General

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

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

ADDENDUM K

NOTICE OF HEARING AND STATEMENT OF CHARGES

**PALM BEACH PHARMACEUTICALS INC.
NONRESIDENT PHARMACY LICENSE NO. 3715
PALM BEACH, FLORIDA**

BEFORE THE IOWA BOARD OF PHARMACY

Re:	)	CASE NO. 2015-172
Nonresident Pharmacy License of)	
	)	NOTICE OF HEARING AND
PALM BEACH PHARMACEUTICALS	)	STATEMENT OF CHARGES
INC.)	
License No. 3715)	
Respondent.)	

COMES NOW the Iowa Board of Pharmacy ("Board") and files this Notice of Hearing and Statement of Charges against Palm Beach Pharmaceuticals Inc. ("Respondent"), 8409 N Military Trail, Ste #125, Palm Beach, FL 33410, 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 nonresident pharmacy license number 3715 is currently active through December 31, 2016.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on November 1, 2016, before the Board. The hearing shall be held during the morning session beginning at 9:00 a.m. and shall be located in the Board conference room located at the Iowa Board of Pharmacy Office, 400 S.W. 8th 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. 8th 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
2nd 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.

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 chapter 36.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 657 IAC 35.21.

C. CHARGES

COUNT I

FAILURE TO SUBMIT APPLICATION FOR CHANGE IN PIC

Respondent is charged with failing to complete and submit an application for a change in pharmacist in charge in violation of 657 IAC 8.35(6)"c" and 19.2(1), pursuant to Iowa Code section 155A.13A(3), and 657 IAC 19.10 and 36.1(4)"u".

COUNT II
OUT-OF-STATE DISCIPLINE

Respondent is charged with violating the pharmacy or drug laws or rules of another state while under the jurisdiction of that state, pursuant to Iowa Code section 155A.13A(3), and 657 IAC 19.10 and 36.1(4)"ad".

D. FACTUAL CIRCUMSTANCES

1. Respondent has prior discipline from the Board in April of 2014, wherein Respondent was: given a citation and warning, fined \$2,500, required to provide a written policy or procedure, and required to complete NABP's Verified Pharmacy Program.

2. In May of 2013, Respondent sent notification to the Board that Pharmacist N.A. was resigning as pharmacist in charge. The Board did not receive a notice or application indicating that Pharmacist N.A. was ever the pharmacist in charge.

3. In September of 2013, Respondent sent notification to the Board that Pharmacist J.H. was resigning as pharmacist in charge. The Board did not receive a notice or application indicating that Pharmacist J.H. was ever the pharmacist in charge.

4. A notice received in September of 2013 named Pharmacist H.S. as the new pharmacist in charge. An application naming Pharmacist H.S. as the pharmacist in charge was not received until December of 2014.

5. In October of 2015, Respondent sent notification to the Board that Pharmacist R.H. was resigning as pharmacist in charge. The Board did not receive a notice or application indicating that Pharmacist R.H. was ever the pharmacist in charge.

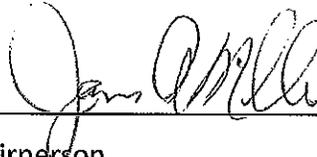
6. In December of 2014, Respondent was disciplined by the Florida Board of Pharmacy. The discipline included a probationary period and a fine.

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 30th day of August, 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
Office of the Attorney General of Iowa
1305 E. Walnut St.
Des Moines, IA 50319
ATTORNEY FOR THE STATE

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

NOTICE OF HEARING AND STATEMENT OF CHARGES

**NORWOOD PHARMACY LLC
NONRESIDENT PHARMACY LICENSE NO. 4268
MARYLAND HEIGHTS, MARYLAND**

BEFORE THE IOWA BOARD OF PHARMACY

Re:	)	CASE NO. 2016-32
Nonresident Pharmacy License of)	
NORWOOD PHARMACY LLC	)	NOTICE OF HEARING AND
License No. 4268	)	STATEMENT OF CHARGES
Respondent.)	

COMES NOW the Iowa Board of Pharmacy ("Board") and files this Notice of Hearing and Statement of Charges against Norwood Pharmacy LLC ("Respondent"), 2572 Metro Blvd., Maryland Heights, MO 63043, 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 nonresident pharmacy license number 4268 is currently active through December 31, 2016.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on November 1, 2016, before the Board. The hearing shall be held during the morning session beginning at 9:00 a.m. and shall be located in the Board conference room located at the Iowa Board of Pharmacy Office, 400 S.W. 8th 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. 8th 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
2nd 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.

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 chapter 36.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 657 IAC 35.21.

C. CHARGES

COUNT I

FAILURE TO GIVE PROPER NOTICE OF CLOSURE TO BOARD

Respondent is charged with failing to provide 30 days advanced notice of closure to the Board in violation of 657 IAC 8.35(7)"b" and 19.2(2), pursuant to Iowa Code section 155A.13A(3), and 657 IAC 19.10 and 36.1(4)"u".

D. FACTUAL CIRCUMSTANCES

1. Respondent closed for business on February 29, 2016.
2. The Board received notice of the closure on March 4, 2016. The notice indicated the pharmacy closed on February 29, 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 30th day of August, 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
Office of the Attorney General of Iowa
1305 E. Walnut St.
Des Moines, IA 50319
ATTORNEY FOR THE STATE

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 M

NOTICE OF HEARING AND STATEMENT OF CHARGES

**BELLEVUE PHARMACY
NONRESIDENT PHARMACY LICENSE NO. 3946
MARYLAND HEIGHTS, MARYLAND**

BEFORE THE IOWA BOARD OF PHARMACY

Re:	)	CASE NO. 2016-39
Nonresident Pharmacy License of)	
BELLEVUE PHARMACY	)	NOTICE OF HEARING AND
License No. 3946	)	STATEMENT OF CHARGES
Respondent.)	

COMES NOW the Iowa Board of Pharmacy ("Board") and files this Notice of Hearing and Statement of Charges against Bellevue Pharmacy ("Respondent"), 212 Millwell Dr., Ste. A, Maryland Heights, MO 63043, 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 nonresident pharmacy license number 3946 was cancelled on March 28, 2016.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on November 1, 2016, before the Board. The hearing shall be held during the morning session beginning at 9:00 a.m. and shall be located in the Board conference room located at the Iowa Board of Pharmacy Office, 400 S.W. 8th 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. 8th 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
2nd 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.

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 chapter 36.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 657 IAC 35.21.

C. CHARGES

COUNT I

FAILURE TO GIVE PROPER NOTICE OF CLOSURE TO BOARD

Respondent is charged with failing to provide 30 days advanced notice of closure to the Board in violation of 657 IAC 8.35(7)"b" and 19.2(2), pursuant to Iowa Code section 155A.13A(3), and 657 IAC 19.10 and 36.1(4)"u".

COUNT II

FAILURE TO GIVE PROPER NOTICE OF CLOSURE TO PATIENTS

Respondent is charged with failing to provide 30 days advanced notice of closure to Iowa patients in violation of 657 IAC 8.35(7)"d" and 19.2(2), pursuant to Iowa Code section 155A.13A(3), and 657 IAC 19.10 and 36.1(4)"u".

D. FACTUAL CIRCUMSTANCES

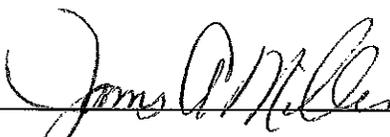
1. Respondent closed for business on March 16, 2016.
2. The Board received notice of the closure on March 11, 2016. The notice was dated March 10, 2016, and indicated the pharmacy would be closing on March 16, 2016.
3. Respondent did not provide adequate notice to Iowa patients of the pharmacy's closing.

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 30th day of August, 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
Office of the Attorney General of Iowa
1305 E. Walnut St.
Des Moines, IA 50319
ATTORNEY FOR THE STATE

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

ADDENDUM N

NOTICE OF HEARING AND STATEMENT OF CHARGES

**BELLEVUE PHARMACY
NONRESIDENT PHARMACY LICENSE NO. 4355
ARLINGTON HEIGHTS, ILLINOIS**

BEFORE THE IOWA BOARD OF PHARMACY

Re:	)	CASE NO. 2016-40
Nonresident Pharmacy License of)	
	)	NOTICE OF HEARING AND
BELLEVUE PHARMACY	)	STATEMENT OF CHARGES
License No. 4355)	
Respondent.)	

COMES NOW the Iowa Board of Pharmacy ("Board") and files this Notice of Hearing and Statement of Charges against Bellevue Pharmacy ("Respondent"), 2012 E Northwest Hwy, Arlington Heights, IL 60004, 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 nonresident pharmacy license number 4355 was cancelled on March 28, 2016.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on November 1, 2016, before the Board. The hearing shall be held during the morning session beginning at 9:00 a.m. and shall be located in the Board conference room located at the Iowa Board of Pharmacy Office, 400 S.W. 8th 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. 8th 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
2nd 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.

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 chapter 36.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 657 IAC 35.21.

C. CHARGES

COUNT I

FAILURE TO GIVE PROPER NOTICE OF CLOSURE TO BOARD

Respondent is charged with failing to provide 30 days advanced notice of closure to the Board in violation of 657 IAC 8.35(7)"b" and 19.2(2), pursuant to Iowa Code section 155A.13A(3), and 657 IAC 19.10 and 36.1(4)"u".

COUNT II

FAILURE TO GIVE PROPER NOTICE OF CLOSURE TO PATIENTS

Respondent is charged with failing to provide 30 days advanced notice of closure to Iowa patients in violation of 657 IAC 8.35(7)"d" and 19.2(2), pursuant to Iowa Code section 155A.13A(3), and 657 IAC 19.10 and 36.1(4)"u".

D. FACTUAL CIRCUMSTANCES

1. Respondent closed for business on March 16, 2016.
2. The Board received notice of the closure on March 11, 2016. The notice was dated March 10, 2016, and indicated the pharmacy would be closing on March 16, 2016.
3. Respondent did not provide adequate notice to Iowa patients of the pharmacy's closing.

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 30th day of August, 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
Office of the Attorney General of Iowa
1305 E. Walnut St.
Des Moines, IA 50319
ATTORNEY FOR THE STATE

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

ADDENDUM O

NOTICE OF HEARING AND STATEMENT OF CHARGES

**MEDAUS PHARMACY
NONRESIDENT PHARMACY LICENSE NO. 3403
BIRMINGHAM, ALABAMA**

BEFORE THE IOWA BOARD OF PHARMACY

Re:	)	CASE NO. 2016-50
Nonresident Pharmacy License of)	
	)	NOTICE OF HEARING AND
MEDAUS PHARMACY	)	STATEMENT OF CHARGES
License No. 3403)	
Respondent.)	

COMES NOW the Iowa Board of Pharmacy ("Board") and files this Notice of Hearing and Statement of Charges against Medaus Pharmacy ("Respondent"), 6801 Cahaba Valley Rd., Ste. 116, Birmingham, AL 35242, 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 nonresident pharmacy license number 3403 is currently active through December 31, 2016.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on November 1, 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. 8th 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. 8th 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
2nd 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.

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 chapter 36.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 657 IAC 35.21.

C. CHARGES

COUNT I OUT-OF-STATE DISCIPLINE

Respondent is charged with violating the pharmacy or drug laws or rules of another state while under the jurisdiction of that state, pursuant to Iowa Code section 155A.13A(3), and 657 IAC 19.10 and 36.1(4)"ad".

D. FACTUAL CIRCUMSTANCES

On July 1, 2016, the Alabama State Board of Pharmacy issued a Final Order in case number 16-0033, which, after finding that Respondent had violated Alabama's laws and regulations regarding the practice of pharmacy, prohibited Respondent from engaging in sterile compounding for a minimum of two years and imposed a \$240,000 administrative fine.

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 30th day of August, 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
Office of the Attorney General of Iowa
1305 E. Walnut St.
Des Moines, IA 50319
ATTORNEY FOR THE STATE

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

ADDENDUM P

NOTICE OF HEARING AND STATEMENT OF CHARGES

**MEDS DIRECT RX OF FL LLC
NONRESIDENT PHARMACY LICENSE NO. 3301
DEERFIELD BEACH, FLORIDA**

BEFORE THE IOWA BOARD OF PHARMACY

Re:	)	CASE NO. 2016-51
Nonresident Pharmacy License of)	
	)	NOTICE OF HEARING AND
MEDS DIRECT RX OF FL LLC	)	STATEMENT OF CHARGES
License No. 3301)	
Respondent.)	

COMES NOW the Iowa Board of Pharmacy ("Board") and files this Notice of Hearing and Statement of Charges against Meds Direct Rx of FL LLC ("Respondent"), 718 S. Military Trail, Deerfield Beach, FL 33442, 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 nonresident pharmacy license number 3301 is currently active through December 31, 2016.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on November 1, 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. 8th 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. 8th 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
2nd 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.

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 chapter 36.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 657 IAC 35.21.

C. CHARGES

COUNT I

FAILURE TO GIVE PROPER NOTICE OF CLOSURE TO BOARD

Respondent is charged with failing to provide 30 days advanced notice of closure to the Board in violation of 657 IAC 8.35(7)"b" and 19.2(2), pursuant to Iowa Code section 155A.13A(3), and 657 IAC 19.10 and 36.1(4)"u".

COUNT II

FAILURE TO GIVE PROPER NOTICE OF CLOSURE TO PATIENTS

Respondent is charged with failing to provide 30 days advanced notice of closure to Iowa patients in violation of 657 IAC 8.35(7)"d" and 19.2(2), pursuant to Iowa Code section 155A.13A(3), and 657 IAC 19.10 and 36.1(4)"u".

D. FACTUAL CIRCUMSTANCES

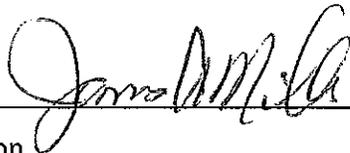
1. Respondent closed for business on March 24, 2016.
2. The Board received notice of the closure on March 28, 2016. The notice was dated March 24, 2016, and indicated the pharmacy would be closing on March 24, 2016.
3. Respondent did not provide adequate notice to Iowa patients of the pharmacy's closing.

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 30th day of August, 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
Office of the Attorney General of Iowa
1305 E. Walnut St.
Des Moines, IA 50319
ATTORNEY FOR THE STATE

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 Q

NOTICE OF HEARING AND STATEMENT OF CHARGES

**LIFE-Q LLC PHARMACY
NONRESIDENT PHARMACY LICENSE NO. 4328
NASHVILLE, TENNESSEE**

BEFORE THE IOWA BOARD OF PHARMACY

Re:	)	CASE NO. 2016-58
Nonresident Pharmacy License of)	
	)	NOTICE OF HEARING AND
LIFE-Q LLC PHARMACY	)	STATEMENT OF CHARGES
License No. 4328)	
Respondent.)	

COMES NOW the Iowa Board of Pharmacy ("Board") and files this Notice of Hearing and Statement of Charges against Life-Q LLC Pharmacy ("Respondent"), 1838 Elm Hill Pike, Ste. 125, Nashville, TN 37210, 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 nonresident pharmacy license number 4328 is currently active through December 31, 2016.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held November 1, 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. 8th 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. 8th 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
2nd 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.

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 chapter 36.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 657 IAC 35.21.

C. CHARGES

COUNT I

FAILURE TO GIVE PROPER NOTICE OF CLOSURE TO BOARD

Respondent is charged with failing to provide 30 days advanced notice of closure to the Board in violation of 657 IAC 8.35(7)"b" and 19.2(2), pursuant to Iowa Code section 155A.13A(3), and 657 IAC 19.10 and 36.1(4)"u".

COUNT II

FAILURE TO GIVE PROPER NOTICE OF CLOSURE TO PATIENTS

Respondent is charged with failing to provide 30 days advanced notice of closure to Iowa patients in violation of 657 IAC 8.35(7)"d" and 19.2(2), pursuant to Iowa Code section 155A.13A(3), and 657 IAC 19.10 and 36.1(4)"u".

D. FACTUAL CIRCUMSTANCES

1. Respondent closed for business on March 31, 2016.
2. The Board received notice of the closure on April 5, 2016. The notice was dated March 31, 2016, and indicated the pharmacy closed on March 31, 2016.
3. Respondent sent Iowa patients a letter dated March 28, 2016, indicating the pharmacy was closing 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 30th day of August, 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
Office of the Attorney General of Iowa
1305 E. Walnut St.
Des Moines, IA 50319
ATTORNEY FOR THE STATE

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 R

VOLUNTARY CANCELLATION AGREEMENT

**JOSEPH M. SENG, DVM
CONTROLLED SUBSTANCE REGISTRATION NO. 1508350
DAVENPORT, IOWA**

BEFORE THE IOWA BOARD OF PHARMACY

Re:) CASE NO. 2016-38
CSA Registration of)
) VOLUNTARY CANCELLATION AGREEMENT
JOSEPH M. SENG, DVM)
Registration No. 1508350)
Registrant.)

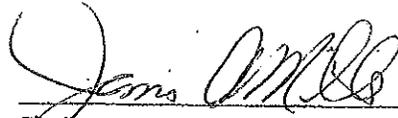
COME NOW the Iowa Board of Pharmacy ("Board") and Joseph M. Seng, DVM ("Registrant"), and enter into this Voluntary Cancellation Agreement ("Agreement"), stating the following:

1. Registrant holds Controlled Substances Act ("CSA") registration #1508350 with the Board. CSA Registration #1508350 is currently active through February 28, 2017.
2. Registrant holds Iowa license #3532 to practice veterinary medicine, which was placed on inactive status on June 30, 2016, pursuant to a Settlement Agreement and Final Order with the Iowa Board of Veterinary Medicine in case 16-003.
3. A veterinarian is required to hold an active license to practice veterinary medicine in Iowa in order to have an active CSA registration with the Board.
4. Registrant wishes to cancel his CSA registration effective immediately upon execution of this Agreement.
5. Registrant understands that he may not prescribe or possess controlled substances until such time as he has an active license to practice veterinary medicine with the Iowa Board of Veterinary Medicine, an active CSA registration with the Board, and an active DEA registration.
6. 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.
7. Registrant understands that this Agreement is a public record available for inspection and copying in accordance with Iowa Code chapter 22.

This Voluntary Cancellation Agreement is voluntarily submitted by Registrant to the Board for its consideration on the ___ day of June, 2016.


JOSEPH M. SENG, DVM
Registrant

This Voluntary Cancellation Agreement is approved by the Iowa Board of Pharmacy on the
30 day of ~~June~~ ^{August}, 2016.



Chairperson
Iowa Board of Pharmacy

ADDENDUM S
NOTICE OF INTENDED ACTION
CHAPTER 8, "UNIVERSAL PRACTICE STANDARDS"
AUGUST 31, 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," Iowa Administrative Code.

The amendments were approved at the August 31, 2016, regular meeting of the Board of Pharmacy.

The proposed amendments are intended to implement 2016 Iowa Acts, Senate File 2218, as amended in House File 2460, which permits the possession and administration of opioid antagonist medications by certain eligible recipients and allows the distribution of such medications by pharmacists pursuant to standing order or collaborative agreement or pursuant to a prescription issued in the name of a law enforcement agency, fire department, or emergency medical service program. The amendments also remove the requirement for a pharmacy to include the address of a facility, school district, or accredited nonpublic school on the label of epinephrine dispensed to those entities.

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 amendments not later than 4:30 p.m. on October 18, 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.

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

These amendments are intended to implement 2016 Iowa Acts, Senate File 2218, as amended in

House File 2460.

The following amendments are proposed.

Item 1. Amend subrule 8.19(1) as follows:

8.19(1) Requirements for a prescription. A valid prescription drug order shall be based on a valid patient-prescriber relationship except as provided in subrule 8.19(7) for epinephrine auto-injectors and in subrule 8.19(8) for opioid antagonists.

a. to d. No changes.

Item 2. Amend subrule 8.19(7) as follows:

8.19(7) Epinephrine auto-injector prescription issued to school or facility. A physician, advanced registered nurse practitioner, or a physician assistant may issue a prescription for one or more epinephrine auto-injectors in the name of a facility as defined in Iowa Code subsection 135.185(1), a school district, or an accredited nonpublic school. The prescription shall comply with all requirements of subrule 8.19(1) as applicable to the form of the prescription except that the prescription shall be issued in the name and address of the facility, the school district, or the accredited nonpublic school in lieu of the name and address of a patient. Provisions requiring a preexisting patient-prescriber relationship shall not apply to a prescription issued pursuant to this subrule.

a. The pharmacy's patient profile and record of dispensing of a prescription issued pursuant to this subrule shall be maintained in the name of the facility, school district, or accredited nonpublic school to which the prescription was issued and the drug was dispensed.

b. The label affixed to an epinephrine auto-injector dispensed pursuant to this subrule shall identify the name ~~and address~~ of the facility, school district, or accredited nonpublic school to which the prescription is dispensed.

Item 3. Adopt new subrule 8.19(8) as follows:

8.19(8) Opioid antagonist prescription issued to law enforcement, fire department, or service program. A physician, advanced registered nurse practitioner, or a physician assistant may issue a prescription for one or more opioid antagonists in the name of a law enforcement agency, fire department, or service program pursuant to Iowa Code section 147A.18 and rule 657—8.31. The prescription shall comply with all requirements of subrule 8.19(1) as applicable to the form of the prescription except that the prescription shall be issued in the name and address of the law enforcement agency, fire department, or service program in lieu of the name and address of a patient. Provisions requiring a preexisting patient-prescriber relationship shall not apply to a prescription issued pursuant to this subrule.

a. The pharmacy's patient profile and record of dispensing of an opioid antagonist pursuant to this subrule shall be maintained in the name of the law enforcement agency, fire department, or service program to which the prescription was issued and the drug was dispensed.

b. The label affixed to an opioid antagonist dispensed pursuant to this subrule shall identify the name of the law enforcement agency, fire department, or service program to which the prescription is dispensed and shall be affixed such that the expiration date of the drug is not rendered illegible.

Item 4. Adopt new rule 657—8.31(135,147A) as follows:

657—8.31(135,147A) Opioid antagonist dispensing by pharmacists by standing order. An authorized pharmacist may dispense an opioid antagonist pursuant to a standing order established by the department, which standing order can be found via the board's website, or pursuant to a standing order authorized by an individual licensed health care professional in compliance with the requirements of this rule. An authorized pharmacist may only delegate the dispensing of an opioid antagonist to an authorized pharmacist-intern under the direct supervision of an authorized

pharmacist. Nothing in this rule prohibits a prescriber or facility from establishing and implementing standing orders or protocols under the authority granted to the prescriber or facility.

8.31(1) Definitions. For the purposes of this rule, the following definitions shall apply:

“Authorized pharmacist” means an Iowa-licensed pharmacist that has completed the training requirements of this rule. *“Authorized pharmacist”* also includes an Iowa-registered pharmacist-intern that has completed the training requirements of this rule and is working under the direct supervision of an authorized Iowa-licensed pharmacist.

“Department” means the Iowa department of public health.

“First responder” means an emergency medical care provider, a registered nurse staffing an authorized service program under section 147A.12, a physician assistant staffing an authorized service program under section 147A.13, a fire fighter, or a peace officer as defined in section 801.4 who is trained and authorized to administer an opioid antagonist.

“Licensed health care professional” means a person licensed under chapter 148 to practice medicine and surgery or osteopathic medicine and surgery, an advanced registered nurse practitioner licensed under chapter 152 or 152E and registered with the board of nursing, or a physician assistant licensed to practice under the supervision of a physician as authorized in chapters 147 and 148C.

“Opioid antagonist” means the same as defined in section 147A.1.

“Opioid-related overdose” means the same as defined in section 147A.1.

“Person in a position to assist” means a family member, friend, caregiver, health care provider, employee of a substance abuse treatment facility, or other person who may be in a position to render aid to a person at risk of experiencing an opioid-related overdose.

“Standing order” means a preauthorized medication order with specific instructions from the licensed health care professional to dispense a medication under clearly defined circumstances.

8.31(2) *Authorized pharmacist training and continuing education.* An authorized pharmacist shall document successful completion of an ACPE-approved continuing education program of at least one hour duration related to opioid antagonist utilization prior to dispensing opioid antagonists pursuant to a standing order. An authorized pharmacist shall maintain competency by completing and maintaining documentation of completion of at least one hour of continuing education in opioid antagonist utilization every pharmacist license renewal period to continue eligibility to dispense opioid antagonists pursuant to a standing order.

8.31(3) *Assessment.* An authorized pharmacist shall assess an individual for eligibility to receive an opioid antagonist pursuant to a standing order. In addition to the criteria identified in a standing order, the authorized pharmacist shall also take into consideration these criteria to determine the recipient's eligibility to receive and possess an opioid antagonist:

a. The person at risk of an opioid-related overdose for which the opioid antagonist is intended to be administered has no known sensitivity or allergy to naloxone, unless the person at risk is not known to the recipient, including but not limited to a first responder or member of law enforcement.

b. The recipient is oriented to person, place, and time and able to understand and learn the essential components of opioid-related overdose, appropriate response, and opioid antagonist administration.

8.31(4) *Recipient training and education.* Upon assessment and determination that an individual is eligible to receive and possess an opioid antagonist pursuant to a standing order, an authorized pharmacist shall, prior to dispensing an opioid antagonist pursuant to a standing order, provide training and education to the recipient that includes, but is not limited to, the information identified in this subrule. An authorized pharmacist may provide to the recipient written materials that contain this and other information, but it shall not be in lieu of direct pharmacist consultation with the

recipient. The pharmacist shall require the recipient to attest that, if the product will be accessible to any other individual for administration, the recipient will make available to such individual all received training and education materials.

a. The signs and symptoms of opioid-related overdose as described in the standing order.

b. The importance of calling 911 as soon as possible and the potential need for rescue breathing.

c. The appropriate use and directions for administration of the opioid antagonist to be dispensed pursuant to the standing order.

d. Information about substance abuse or behavioral health treatment programs.

e. Adverse reactions of the opioid antagonist as well as reactions resulting from the opioid withdrawal following administration.

f. The prohibition of the recipient from further distributing the opioid antagonist to another individual, unless that individual has received appropriate training and education.

g. The expiration date of the opioid antagonist being dispensed and the appropriate disposal of the opioid antagonist upon expiration.

h. The proper storage conditions, including temperature excursions, of the opioid antagonist being dispensed.

8.31(5) Labeling. Upon the determination that a recipient is eligible to receive and possess an opioid antagonist, the authorized pharmacist shall label the product pursuant to rule 657—6.10(126,155A) and subrule 8.19(8). The authorized pharmacist shall ensure that the labeling does not render the expiration date of the product illegible. The medication shall be dispensed in the name of the eligible recipient.

8.31(6) Additional supply. Notwithstanding a standing order to the contrary, the authorized pharmacist shall only dispense an opioid antagonist following the completion of an eligibility

assessment and recipient training and education.

8.31(7) Reporting. A copy of the assessment form shall be submitted to the department as provided on the assessment form within 7 days of the dispensing of the opioid antagonist or within 7 days of a denial of eligibility.

8.31(8) Records. An authorized pharmacist shall create and maintain an original record of each individual assessment, regardless of the eligibility determination following assessment, and dispensing of opioid antagonists pursuant to a standing order. These records shall be available for inspection and copying by the board or its authorized agent for at least 2 years.