

BEFORE THE IOWA BOARD OF PHARMACY

Re:) CASE NO. 2014-171
Controlled Substance Registration of)
) **ORDER TO SHOW CAUSE**
DAVID MARCOWITZ, D.O.)
Registration No. 1305770)
Respondent.)

TO: David Marcowitz, D.O.
1200 N Seventh Street
Chariton, IA 50049

NOTICE:

Pursuant to the provisions of Iowa Code sections 124.304 and 124.305 (2015) and 657 IAC 10.12, you are hereby ordered to show cause why controlled substance registration number 1305770 should not be suspended.

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

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

I. JURISDICTION

Pursuant to Iowa Code chapter 124 (2015) and 657 IAC 10, the Iowa Board of Pharmacy ("Board") has jurisdiction over those who prescribe controlled substances in Iowa. The Board issued David Marcowitz ("Respondent") controlled substance registration number 1305770, subject to the laws of the State of Iowa and the rules of the Board. Controlled substance registration number 1305770 is currently active and expires after January 31, 2016.

II. BASIS FOR ORDER TO SHOW CAUSE

1. Respondent is a licensed physician with the Iowa Board of Medicine.
2. On January 31, 2014, the Department of Financial and Professional Regulation of the State of Illinois approved a Consent Order that suspended his Illinois license to practice medicine and his Illinois controlled substance license for thirty days. The Consent Order provided that Respondent's licenses would be placed on permanent Inactive Status after the period of suspension. Respondent signed the Consent Order on January 2, 2014.
3. On January 22, 2014, Respondent submitted a controlled substance registration renewal to the Board. Respondent answered "no" to the question "has the applicant ever been convicted

of a felony in connection with controlled substances under any State or Federal law or ever surrendered (in lieu of disciplinary action) or had a CSA registration revoked, suspended, or denied?" Respondent did not report the Illinois Consent Agreement to the Board after it was approved on January 31, 2014.

4. On February 6, 2015, the Iowa Board of Medicine filed a Statement of Charges against Respondent, charging him with having a license to practice osteopathic medicine and surgery revoked or suspended, or having other disciplinary action taken by a licensing authority of another state.

5. On June 25, 2015, the Iowa Board of Medicine issued its Findings of Fact, Conclusions of Law, Decision and Order, in Respondent's contested case. The Board indefinitely suspended Respondent's medical license, but stayed the suspension pending successful completion of a mental health evaluation within 60 days, a comprehensive clinical competency evaluation within 90 days, and a professional ethics program within 120 days. The Board issued Respondent a Citation and Warning and ordered him to pay a \$3,000 civil penalty. The Board also prohibited him from prescribing, administering, or dispensing controlled substances for the treatment of chronic pain and placed him on probation for five years subject to monitoring.

6. Iowa Code section 124.304(1)"e" and 657 IAC 10.12(1)"e" authorize the Board to suspend, revoke, or restrict a controlled substance registration if the registrant has been disciplined by the registrant's professional licensing board and the discipline revokes, suspends, or modifies the registrant's authority regarding controlled substances.

7. Iowa Code section 124.304(1)"d" and 657 IAC 10.12(1)"d" authorize the Board to suspend, revoke, or restrict a controlled substance registration if the registrant has committed such acts as would render the registrant's registration under section 124.303 inconsistent with the public interest as determined under that section. Under 657 IAC 36.1(4)"k", the Board has the authority to impose discipline on registrants for failing to notify the Board within 30 days after a final decision entered by the licensing authority of another state which decision resulted in a license or registration revocation, suspension, or other disciplinary action.

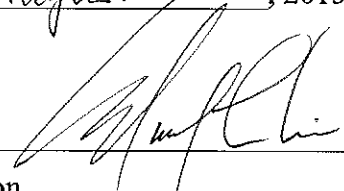
III. ORDER

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

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

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

IT IS SO ORDERED on this 31st day of August, 2015.



Chairperson
Iowa Board of Pharmacy

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