

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case Nos. 2015-37
Pharmacy License of)	
WELLS PHARMACY NETWORK, LLC))	STATEMENT OF CHARGES
License No. 3385)	& NOTICE OF HEARING
Respondent.)	

COMES NOW the Iowa Board of Pharmacy (Board) and files this Notice of Hearing and Statement of Charges pursuant to Iowa Code sections 17A.12(2) and 17A.18(3) (2015). Respondent was issued Iowa license 3385. Respondent's license is currently active.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on January 12, 2016, before the Iowa Board of Pharmacy. The hearing shall be held during the afternoon session, beginning at 1:00 p.m. and shall be located in the Board conference room located at 400 S.W. 8th Street, Des Moines, Iowa.

Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge from the Department of Inspections and Appeals make initial rulings on prehearing matters, and be present to assist and advise the board at hearing.

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

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

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

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

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

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

B. LEGAL AUTHORITY AND JURISDICTION

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

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 155A, and 272C and 657 Iowa Administrative Code chapter 36.

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

C. CHARGES

Count I

DISPENSING A PRESCRIPTION WITHOUT VERIFYING A VALID PATIENT-PRACTITIONER RELATIONSHIP

Respondent is charged with dispensing a prescription without verifying a valid patient-practitioner relationship in violation of Iowa Code sections 147.55(9) and 155A.13A(3) and 657 Iowa Administrative Code rules 8.3(1)¹, 8.19(4), 19.3, and 36.1(4)(u).

Count II

REGULARLY COMPOUNDING COMMERCIALY AVAILABLE PRODUCTS AND/OR COMPOUNDING INORDINATE AMOUNTS OF DRUGS WHICH ARE ESSENTIALLY COPIES OF COMMERCIALY AVAILABLE PRODUCT

Respondent is charged with regularly compounding commercially available products and/or compounding inordinate amounts of drugs which are essentially copies of commercially available product in violation of Iowa Code sections 147.55(9) and 155A.13A(3) and 657 Iowa Administrative Code rules 8.3(1), 19.3, 20.3(1), 20.3(5)(b), and 36.1(4)(u).

Count III

FAILING TO PROVIDE RECORDS TO THE BOARD IN A TIMELY MANNER

Respondent is charged with failing to provide records to the board in a timely manner in violation of Iowa Code section 147.55(9) and 155A.13A(3) and 657 Iowa Administrative Code rules 6.16(2), 8.3(1), 8.9, 19.3, and 36.1(4)(u), (ag).

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

Count IV

FAILURE TO PERFORM A PROSPECTIVE DRUG USE REVIEW

Respondent is charged with failing to perform a prospective drug use review in violation of Iowa Code sections 147.55(9) and 155A.13A(3) and 657 Iowa Administrative Code rules 8.3(1), 8.21, 19.3, 36.1(4)(u).

Count V

FAILING TO TIMELY REPORT OUT OF STATE DISCIPLINE

Respondent is charged with failing to report out of state discipline in violation of Iowa Code section 147.55(9) and 155A.3A(3) and 657 Iowa Administrative Code rule 36.1(4)(k).

Count VI

VIOLATING THE LAWS AND RULES OF ANOTHER STATE

Respondent is charged with violating the laws and rules of another state in violation of Iowa Code section 147.55(9) and 155A.3A(3) and 657 Iowa Administrative Code rule 36.1(4)(j).

D. FACTUAL CIRCUMSTANCES

1. Respondent is a non-resident pharmacy with its principle place of business at 1210 SW 33rd Avenue, Ocala, Florida 34474.
2. Wells Pharmacy was disciplined by the Maine Board of Pharmacy for not timely notifying that board of a change in their pharmacist-in-charge on November 6, 2014. Maine fined the Respondent \$750 for the violation.
3. Wells Pharmacy did not timely inform the Iowa Board of Pharmacy about the Maine discipline. Wells first reported the out-of-state discipline on their change of pharmacist-in-charge application, which was received by the Board on February 26, 2015.
4. Wells Pharmacy dispensed numerous prescriptions from Dr. Randall L. Sisam, whose Iowa medical license is inactive, to Iowa patients. The prescription indicates that Dr. Sisam resides in Maine, while Mr. Sisam's LinkedIn profile states that he resides in South Carolina and consults for Kingsberg Medical. Wells Pharmacy took no action to ensure that a valid, preexisting patient-prescriber relationship existed.
5. Wells Pharmacy compounded large quantities of testosterone in grape seed oil. Testosterone is commercially available in sesame seed oil. Individual patients would receive small portions of the compounded medication.
6. Wells Pharmacy compounded large quantities of testosterone cypionate in sesame seed oil. This product is commercially available in cottonseed oil. Individual patients would receive small portions of the compounded medication.

7. Wells Pharmacy did not perform a drug use review on prescriptions dispensed in Iowa, resulting in duplicative therapy.

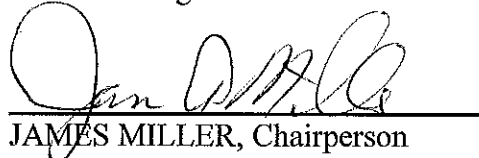
8. On May 8, 2015, the Board requested copies of 32 prescriptions that were dispensed into Iowa from April 1, 2014 to April 1, 2015. Respondent was given until May 15, 2015 to provide the Board copies of the requests prescriptions. Respondent did not provide the requested records until May 27, 2015.

E. SETTLEMENT

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

F. PROBABLE CAUSE FINDING

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



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

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