

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	CASE NO. 2015-48
Nonresident Pharmacy License of)	
)	SETTLEMENT AGREEMENT
DOWNING LABS, LLC)	AND FINAL ORDER
f/k/a NUVISION PHARMACY, INC.)	
License Nos. 4030 & 4626)	
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 Downing Labs, LLC, formerly known as NuVision Pharmacy, Inc. ("Respondent") enter into the following Settlement Agreement and Final Order ("Order") to settle a contested case currently pending before the Board.

The allegations contained in the Statement of Charges against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

1. The Board filed a Notice of Hearing and Statement of Charges on November 4, 2015.
2. The Board has jurisdiction over the parties and the subject matter of these proceedings.
3. Respondent acknowledges that the allegations in the Statement of Charges, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Order.
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. NuVision Pharmacy agrees to pay a **CIVIL PENALTY** in the amount of five-thousand dollars (\$5000) no later than March 11, 2016. This civil penalty shall be made payable to the Treasurer of Iowa. 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. All civil penalty payments shall be deposited into the State of Iowa general fund. This civil penalty is considered discipline against NuVision Pharmacy only and resolves Counts I and II in the Statement of Charges in case 2015-48. Downing Labs is responsible for ensuring that the civil penalty is paid on behalf of NuVision Pharmacy.

14. Effective immediately, nonresident pharmacy license #4030 is hereby cancelled.

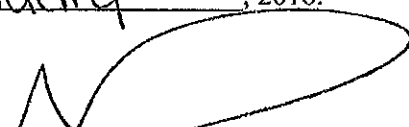
15. Effective immediately, Downing Labs shall be issued a new nonresident pharmacy license number. Downing Labs is issued nonresident pharmacy license #4626.

16. Downing Labs, nonresident pharmacy license #4626, is hereby **CITED** for failing to timely submit a new application for pharmacy license changes and **WARNED** that failure to comply with the laws and rules governing the practice of pharmacy in the future could result in further discipline. This citation and warning is considered discipline against Downing Labs only and resolves Count III in the Statement of Charges in case 2015-48.

17. Respondent agrees to follow all federal and state laws and regulations governing the practice of pharmacy and compounding. Respondent agrees to abide by the terms of any agreements with the FDA.

18. 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 11 day of January, 2016.



DOWNING LABS, LLC
f/k/a NUVISION PHARMACY, INC.
Respondent

By this signature, Ashley Downing acknowledges s/he is the owner for Downing Labs, LLC f/k/a NuVision Pharmacy, Inc. and is authorized to sign this Settlement Agreement and Final Order on behalf of Downing Labs, LLC f/k/a NuVision Pharmacy, Inc.

This Settlement Agreement and Final Order is approved by the Iowa Board of Pharmacy on the 12th day of January, 2016.

Jamaa Miller
Chairperson
Iowa Board of Pharmacy

Copy to:

Laura Steffensmeier
Assistant Attorney General
Licensing & Administrative Law Division
Iowa Department of Justice
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Des Moines, IA 50319