State of Iowa
Board of Pharmacy

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BOARD MEMBERS
LADONNA GRATIAS
EDWARD McKENNA
EDWARD MAIER

JAMES MILLER
Board Chair

ANDREW FUNK
Executive Director

BOARD MEMBERS
JASON HANSEL
SHARON MEYER
JUDITH TRUMPY

MINUTES

March 8-9, 2016

The Iowa Board of Pharmacy met on March 8, 2016, in room Northwestern 345 and on March 9, 2016, in North Room 181 at the Iowa Memorial Union in Iowa City.

TUESDAY, MARCH 8, 2016

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

MEMBERS ABSENT
Judith M. Trumpy

STAFF PRESENT
Andrew Funk, Executive Director
Laura Steffensmeier, Esq., Assistant Attorney General
Therese Witkowski, Executive Officer
Debbie Jorgenson, Administrative Assistant
Becky Hall, Secretary
Curt Gerhold, Compliance Officer
Mark Mather, Compliance Officer
Sue Mears, Compliance Officer
Jennifer O'Toole, Compliance Officer
Jean Rhodes, Compliance Officer
Jennifer Tiffany, Compliance Officer
James Wolfe, Compliance Officer

Call to Order & Announcements

At 9:00 a.m., James Miller, Chairperson called the meeting of the Iowa Board of Pharmacy to order on Tuesday, March 8, 2016.

Closed Session

At 9:03 a.m., on a motion by Edward Maier, seconded by Jason Hansel, the Board voted unanimously by roll call vote to move into closed session pursuant to Iowa Code section 21.5(1)(a), to review or discuss records which are required or authorized by state or federal law

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

At 11:15 a.m., while still in closed session, Edward McKenna moved that the Board go into open session, seconded by Jason Hansel. Motion approved unanimously.

In Open Session the following actions were taken:

1. Closed Session Minutes.

   Motion by Jason Hansel, seconded by Edward McKenna, to approve the Closed Session Minutes and Deliberations of the January 12, 2016, meeting. Motion approved unanimously.

2. Administrative Warning.

   Motion by Edward McKenna, seconded by Jason Hansel, to issue an Administrative Warning to the pharmacy, pharmacist in charge, and two pharmacists in 2012-194; and pharmacy in 2016-11. Motion approved unanimously.

3. Letter of Education.

   Motion by Jason Hansel, seconded by Edward McKenna, to issue a Letter of Education to the pharmacy in 2016-13, pharmacy in 2015-175, and pharmacy and pharmacist in charge in 2016-16. Motion approved unanimously.

4. Close With No Further Action.

   Motion by Edward McKenna, seconded by LaDonna Gratias, to close with no further action the following investigative files in complaint numbers: 2008-20, 2013-110, 2013-172, 2013-3831, 2015-149, 2015-147, 2015-215, 2015-26, 2015-195, 2016-14, 2016-25, 2015-214, 2015-106, 2015-181, 2016-8, 2015-186, 2015-222, 2016-7, 2015-119, 2015-185, 2015-213, 2015-216, 2015-202, and 2016-18. Motion approved unanimously.

5. Draft Statement of Charges.

   Motion by Jason Hansel, seconded by Sharon Meyer, to draft Statement of Charges against the pharmacy in 2015-172; and technician in 2015-212. Motion approved unanimously.

6. Order to Show Cause.

   Motion by Edward Maier, seconded by Edward McKenna, to issue an Order to Show Cause to the CSA Registrant in 2015-217. Motion approved unanimously.

7. 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. Jerod Work, Pharmacist License No. 20153 of Sioux Center. A copy of the Notice of Hearing and Statement of Charges is attached as Addendum A.

   B. Angela Buckland, Pharmacy Technician Trainee Registration No. 22004 of Wilton. A copy of the Notice of Hearing and Statement of Charges is attached as Addendum B.

C. Courtney House, Pharmacy Technician Registration No. 16152, of Hedrick. A copy of the Notice of Hearing and Statement of Charges is attached as Addendum C.

8. Settlement Agreement and Final Order.

Motion by Sharon Meyer, seconded by Jason Hansel, to approve the Settlement Agreement and Final Order for Drug Depot, Inc., d/b/a APS Pharmacy, Nonresident Pharmacy License Nos. 4139 and 4375 of Palm Harbor, Florida. Motion approved unanimously. A copy of the Settlement Agreement and Final Order is attached as Addendum D.

9. Combined Amended Statement of Charges, Settlement Agreement, and Final Order.

Motion by Jason Hansel, seconded by Sharon Meyer, to approve the Combined Amended Statement of Charges, Settlement Agreement, and Final Order for Pharmacy Creations, LLC, Nonresident Pharmacy License No. 4185 of Randolph, New Jersey. Motion approved unanimously. A copy of the Settlement Agreement and Final Order is attached as Addendum E.

10. Combined Statement of Charges, Settlement Agreement, and Final Order.

Motion by Edward McKenna, seconded by LaDonna Gratias, to approve the Combined Statement of Charges, Settlement Agreement, and Final Order in the following cases. Motion approved unanimously.

A. Wickliffe Veterinary Pharmacy, Nonresident Pharmacy License No. 3876 of Lexington, Kentucky. A copy of the Combined Statement of Charges, Settlement Agreement, and Final Order is attached as Addendum F.

B. Kelsey Troxel, Pharmacy Technician Registration No. 22102 of Cresco. A copy of the Combined Statement of Charges, Settlement Agreement, and Final Order is attached as Addendum G.

11. Combined Statement of Charges, Settlement Agreement, and Final Order.

Motion by Jason Hanson, seconded by Edward Maier, to approve the Combined Statement of Charges, Settlement Agreement, and Final Order for David Schlueter, Pharmacist License No. 16411 of Dubuque. James Miller abstains. Motion was approved. A copy of the Combined Statement of Charges, Settlement Agreement, and Final Order is attached as Addendum H.

Administrative Hearing

2015-150, Justin Adam, Pharmacy Technician Registration No. 12376 of Sioux City.

At 1:03 p.m., Margaret LaMarche, Administrative Law Judge, Department of Inspections and Appeals opened the record. Assistance Attorney General Laura Steffensmeier represented the State. Justin Adam did not appear nor did counsel represent him. The hearing was conducted in the presence of the Board. The hearing was open to the public.

The board heard testimony of a witness and examined exhibits.

At 1:20 p.m., the record was closed.

At 1:20 p.m., motion by Edward Maier, seconded by Jason Hansel, the Board voted unanimously by roll call vote to move into closed session in accordance with Iowa Code Section 21.5(f) to discuss the decision to be rendered in a contested case.

At 1:32 p.m., while still in closed session, Edward Maier moved that the Board go into open session, seconded by Jason Hansel. Motion approved unanimously.

Motion by LaDonna Gratias, seconded by Edward McKenna, to direct Administrative Law Judge LaMarche to draft the Order consistent with the Board's deliberations in case 2015-150, Justin Adam.

At 1:35 p.m., the Board recessed.

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

WEDNESDAY, MARCH 9, 2016

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

MEMBERS ABSENT
Judith M. Trumpy

SPEAKERS
William Robinson, Oakland
Anthony Pudlo, IPA
Thad Wunder, Iowa City
Douglas Schara, Walgreens
Jonathan Fransen, Hy-Vee
Chris Bossie, INRange System
Megan Meyers, IPA
Angie Boord, Iowa Methodist Medical Center
Michelle Clausen, St. Luke's Methodist Hosp.

STAFF PRESENT
Andrew Funk, Executive Director
Meghan Gavin, Esq., Assistant Attorney General
Therese Witkowski, Executive Officer
Debbie Jorgenson, Administrative Assistant
Becky Hall, Secretary
Curt Gerhold, Compliance Officer
Mark Mather, Compliance Officer
Sue Mears, Compliance Officer
Jennifer O'Toole, Compliance Officer
Jean Rhodes, Compliance Officer
Jennifer Tiffany, Compliance Officer
Jim Wolfe, Compliance Officer

Call to Order and Announcements

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

Public Comments

Thad Wunder addressed the Board with the following:

- Technology is being used in pharmacies for safety and efficiency for patients, however Mr. Wunder believes some critical pieces of that technology have been left out of some of the current telepharmacies in the state, that being live audio-video streams between the managing pharmacy and from the pharmacist that supervises the pharmacy technician at the telepharmacy. Mr. Wunder provided the Board with two situations he had encountered and asked that the Board not approve the telepharmacy request on the Board's agenda until some of the potential issues were addressed.
- Providing video or audio recordings of the board meetings and placing those video or audio recordings on a website for the public to view or listen to.
- Finding a more efficient way to contact board members by having their email addresses available online for the public to contact them directly.

Doug Schara thanked the Board for their service and commitment to the practice of pharmacy. Mr. Shara would like the Board to continue their communication by reaching out to the pharmacists in their communities and at meetings; and encourage pharmacy students to attend open session board meetings. Mr. Shara recommended the Board send a letter to the Dean at the University of Iowa College of Pharmacy encouraging pharmacy students to attend open session board meetings.

Approval of Minutes

The minutes of the January 13-13, 2016, meeting were reviewed.

Motion by Edward McKenna, seconded by Sharon Meyer, to approve the open session minutes of the January 12-13, 2015, meeting as presented. Motion approved unanimously.

Reports

1. Executive Director's Report –

   A. Meetings and Travel

      1. On March 4, 2016, Terry Witkowski, Debbie Jorgenson and Andrew Funk had the opportunity to meet with Serbian Nationals through the U.S. Department of State's International Visitor Leadership Program to discuss the regulation of pharmacy in Iowa.
      2. The National Association of Boards of Pharmacy (NABP) will be hosting a MPJE Item Development Workshop in Northbrook, IL on March 15-16, 2016. Andrew Fund and Jennifer O'Toole plan to attend the workshop.
      3. Debbie Jorgenson will be representing the Board of Pharmacy and taking part in a panel discussion regarding communication and the use of social media by regulatory agencies at the Federation of State Medical Board's Annual Meeting in San Diego, California on April 29, 2016.
      4. The May board meeting is scheduled for May 3-4, 2016, in Des Moines at the board office.

5. NABP's 112th Annual Meeting will be held on May 14-17, 2016, in San Diego, California. James Miller, Sharon Meyer, Jason Hansel and Andrew Funk plan to attend the meeting.
6. The Iowa Pharmacy Association's (IPA) Annual Meeting will be held in West Des Moines on June 17-18, 2016.
7. The Board will hold a one-day strategic planning meeting prior to the June 28-29, 2016, board meeting. The date and location of the meeting is to be determined.

B. Legislative Update

1. Senate File 453 is a bill for an Act relating to the Board of Pharmacy, including nonresident pharmacy and outsourcing facility licensure, pharmacist supervision of pharmacy technicians, and enforcement authority and has passed the Senate and is currently up for debate on the House floor. An amendment has been introduced that structures and describes the license process for a telepharmacy site.
2. Senate File 2116 is a bill for an Act adding substances to Schedule I of the controlled substance schedules, and providing penalties and has passed the Senate, in its amended form. The bill is currently in the House waiting to be reviewed by the full-committee and must pass the House Committee by Friday, March 11, 2016.
3. Senate File 2102 is a bill for an Act relating to the Prescription Monitoring Program (PMP) administered by the Board of Pharmacy and has passed the Senate. The bill is currently in the House waiting to be reviewed by the full-committee and must pass the House Committee by Friday, March 11, 2016.

C. Office/Program Updates

1. Program Planner – Andrew Funk and Terry Witkowski continue to work on designing and assigning job duties for this position. The primary functions of this position will be the PMP/database administration and license database design and implementation.
2. Compliance Officer – this opening has been approved and is currently posted on the State of Iowa's Brass Ring Applicant System. The job posting will close on March 16, 2016. This position will be assigned to the northwestern counties in Iowa.
3. In-office Compliance Officer – this position will be based out of the board office.
4. GovDelivery – this program is being initiated to assist the Board and board staff to communicate more effectively with licensees, registrants and the public.
5. Database Update – Andrew Funk, Terry Witkowski, and Debbie Jorgenson are continuing to work with the Office of the Chief Information Officer (OCIO) to obtain a new database. A business analysis will be conducted with the help of OCIO to determine the Board's needs. The business analysis will assist board staff with the development of a Request for Proposal. The cost of the analysis is estimated at $16,000.
6. Board of Pharmacy Appointments:

- Sharon Meyer has been reappointed to a second term on the Board. Ms. Meyers new term will be May 1, 2016, to April 30, 2019.
- Kay Jessen of Manson has been appointed to the Board effective May 1, 2016. Ms. Jessen will replace Judith Trumpy. Ms. Trumpy retires from the Board on April 30, 2016.

7. TakeAway Program – the Request for Proposal for the Prescription Drug TakeAway Program is being finalized.
8. 2017 NABP/AACP District 5 Annual Meeting - the Iowa Board of Pharmacy will be hosting the NABP/AACP District 5 Annual Meeting in August of 2017. The location of the meeting is to be determined.

2. State of Iowa's Response to NTSB Safety Recommendations 1-14-1 and 1-14-2.

   Informational item.

3. Iowa Gift Law – Meghan Gavin.

   Meghan Gavin provided clarification on statues that apply to the Iowa Gift Law. Appointed members of boards are subject to the Iowa Gift Law and Ms. Gavin advised the Board to seek legal advice should any situation be unclear when interpreting the law.

4. Roving Quorums – Meghan Gavin.

   Roving quorums are considered informal gatherings or private meetings where public business is discussed when a majority of members are not present. The Iowa Supreme Court is currently looking at a case regarding violation of the Iowa Open Meetings Law and a decision is expected to be made by the Iowa Supreme Court within the next few months.

5. Prescription Monitoring Program (PMP) Annual Report.

   The PMP Annual Report was provided for review. Iowa has interconnect ability with border states that include South Dakota, Minnesota, Wisconsin, Illinois, and with Kansas. Nebraska currently does not have a compactable system and Missouri currently does not have a system. The PMP bill that is currently before the House if passed, would allow integrating with electronic health systems and electronic pharmacy systems.

6. One Billion Fewer Hydrocodone Combination Tablets Dispensed After Drug Rescheduled.

   Informational item.

7. Emergency Meds Act Would Fix Gap in EMS Law That Could Harm Patients – EMSWorld.

   Informational item.

8. 2016 Iowa Prescription Drug Abuse Brochure.

   Informational item. Brochures are available for distribution to anyone interested.

9. Early results of Marijuana Extract Treatment for Children with Epilepsy Prove Promising – The Washington Post.

   Informational item.

10. Compounded and Repackaged Medications for Office-Use.

Informational item.

11. Strategic Pharmaceutical Solutions, Inc., d/b/a Vet Source Home Delivery vs. Nevada State Board of Pharmacy – complaint for Declaratory Judgment and Injunctive Relief for Violations of the Sherman Act and State Law.

    Informational item.

12. Hy-Vee Pharmacy Fulfillment Center's 2015 Quarter 4 Error Report.

    Hy-Vee Pharmacy Fulfillment Center submitted their 2015 Quarter 4 Error Report for review.

13. Briefing on EMMA E-Kit – Chris Bossi, INRange Systems, Inc., and Tina Moeller, Martin Health Services.

    Chris Bossi provided a presentation on the EMMA E-Kit, a storage and retrieval system offered by INRange Systems, Inc. INRange would like to offer for sale to Long Term Care pharmacies their EMMA E-Kit as a First Dosing/Emergency Kit for Long Term Care Facilities to service newly admitted patients and emergency situations.

    The Board took no formal action on this item.

14. New Practice Model for Community Pharmacy Quarterly Report – Megan Myers, Iowa Pharmacy Association.

    The New Practice Model for Community Pharmacy Quarter Report was provided for review. Megan Myers provided a summary of the report.

Requests

1. 2016 Iowa Pharmacist Recovery Network (IPRN) Planning Committee Board Action Item.

   The IPRN Planning Committee met at the board office on January 14, 2016, to discuss the IPRN program, the intent of the program, and its future vision. The Iowa Pharmacy Association is the current administrator of the program.

   The Committee's vision and goal is to develop and support a pharmacy recovery program that encourages self-reporting of impairment and to provide individuals who are licensed or registered with the board, with a confidential, non-disciplinary route to recovery from impairment.

   The Planning Committee recommendations to the Board effective July 1, 2016 -

   - Permit the Iowa Board of Pharmacy staff to administer and monitor the pharmacy recovery program either internal or by collaboration with other state of Iowa licensing boards, agencies or employees through a Memorandum of Understanding or a 20.88 Agreement.
   - Permit the Iowa Board of Pharmacy staff to seek informal bids for the marketing, outreach, grant funding and other ancillary services necessary for the support and promotion of the pharmacy recovery program.

Motion by Edward Maier, seconded by Jason Hansel, to accept the recommendations proposed by the IPRN Planning Committee and direct Andrew Funk to prepare a plan for the program for Board review. Motion approved unanimously.

2. Request for Waiver – 657 I.A.C. 20.4 Sterile Compounding – Angela Boord, Iowa Methodist Medical Center, Des Moines.

   Sharon Meyer recused herself from the discussion regarding this request.

   Motion by Edward Maier, seconded by Edward McKenna, to approve the request for waiver until September 1, 2016. Motion approved.

3. Request for Waiver – 657 I.A.C. 805(2) Environment and Equipment Requirements – Baum Harmon Mercy Hospital.

   Motion by Edward McKenna, seconded by LaDonna Gratias, to table the request for waiver and send a compliance officer to Baum Harmon Mercy Hospital for more clarification. Motion approved unanimously.

Closed Session

At 10:33 a.m., motion by Sharon Meyer, seconded by Edward Maier, the Board voted unanimously by roll call vote to moved into closed session for the following reason.

For Requests pursuant to Iowa Code § 21.5(1)(a) to review or discuss records which are required or authorized by state or federal law to be kept confidential under Iowa Code § 272C.6 and 22.7(2).

At 10:39 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 Edward Maier, seconded by Jason Hansel, to approve the request for Mohammed Masum. Motion approved unanimously.

Requests

1. Request for Waiver – 657 I.A.C. 20.4 Sterile Compounding – St. Luke's Methodist Hospital.

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

2. Request for Internship Credit for Life Experience – Rajbir Singh Sandhar, United Kingdom.

   This item was tabled. The Board will be extending an invitation to Mr. Sandhar to discuss his request in person or by telephone at a future board meeting.

3. Pilot/Research Demonstration Project Proposal to Establish a Hybrid Telepharmacy in Avoca – William Robinson, Oakland Pharmacy.

   Motion by Sharon Meyer, seconded by Edward McKenna, to deny the request. Motion approved unanimously.

Rules and Legislation

Notice of Intended Action – Chapter 21, "Electronic Data in Pharmacy Practice."

Motion by Edward Maier, seconded by Sharon Meyer, to approve for filing Notice of Intended Action. Motion approved unanimously. A copy is attached as Addendum I.

Licensure/Registrations

1. Avita Drugs, Baton Rouge, Louisiana - Application for Nonresident Iowa Pharmacy License.

   Motion by Edward Maier, seconded by Edward McKenna, to approve the Application for Nonresident Iowa Pharmacy License. Motion approved unanimously.

2. Clinical Solutions, Nashville, Tennessee - Application for Nonresident Iowa Pharmacy License.

   Motion by Jason Hansel, seconded by Edward Maier, to approve the Application for Nonresident Iowa Pharmacy License. Motion approved unanimously.

3. ProCare Pharmacy Care, Las Vegas, Nevada - Application for Nonresident Iowa Pharmacy License Application.

   Motion by Edward Maier, seconded by Jason Hansel, to approve the Application for Nonresident Iowa Pharmacy License. Motion approved unanimously.

4. Long's Drugs of Lexington, Lexington, South Carolina - Application for Nonresident Iowa Pharmacy License.

   Motion by Sharon Meyer, seconded by Edward McKenna, to approve the Application for Nonresident Iowa Pharmacy License. Motion approved unanimously.

5. Minnis Drug Store, Morristown, Tennessee - Application for Nonresident Iowa Pharmacy License.

   Motion by Edward Maier, seconded by Edward McKenna, to approve the Application for Nonresident Iowa Pharmacy License. Motion approved unanimously.

6. Fresenious USA Manufacturing, DFW Airport, Texas - Application for Nonresident Iowa Pharmacy License.

   Motion by Jason Hansel, seconded by Sharon Meyer, to approve the Application for Nonresident Iowa Pharmacy License. Motion approved unanimously.

7. In Your Atmosphere Holdings LLC, d/b/a Wiley Chemists Compounding Pharmacy, Santa Fe, New Mexico - Application for Nonresident Iowa Pharmacy License.

   Motion by Edward Maier, seconded by Sharon Meyer, to approve the Application for Nonresident Iowa Pharmacy License. Motion approved unanimously.

8. RSVP Pharmacy #7, LLC, North Richland Hills, Texas. Application for Nonresident Iowa Pharmacy License.

   Motion by Edward Maier, seconded by Jason Hansel, to approve the Application for Nonresident Iowa Pharmacy License. Motion approved unanimously.

Motion by Edward Maier, seconded by Jason Hansel, to adjourn at 11:22 a.m. on March 9, 2016.

_____
Becky Hall
Recording Secretary

_____ _____
Andrew Funk James Miller
Executive Director Board Chair

APPROVED THIS _____ DAY OF _____, 20____.

ADDENDUM A

NOTICE OF HEARING AND STATEMENT OF CHARGES

JAROD WORK
PHARMACIST LICENSE NO. 20153
SIOUX CENTER, IOWA

BEFORE THE IOWA BOARD OF PHARMACY

Re: Pharmacist License of **JEROD WORK** License No. 20153 Respondent.	))))))	CASE NO. 2015-102 **NOTICE OF HEARING AND STATEMENT OF CHARGES**

COMES NOW the Iowa Board of Pharmacy ("Board") and files this Notice of Hearing and Statement of Charges against Jerod Work ("Respondent"), 526 Second Ave. NE, Sioux Center, IA 51250, pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and 272C.3(1)"e", and 657 IAC 35.5 and 36.5. Respondent's Iowa pharmacist license number 20153 is currently active through June 30, 2017.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on May 3, 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 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
UNPROFESSIONAL BEHAVIOR—THEFT

Respondent is charged with exhibiting unprofessional behavior in connection with the practice of pharmacy, specifically theft, in violation of 657 IAC 8.11(8), pursuant to Iowa Code sections 147.55(9) and 155A.12(1), and 657 IAC 36.1(4)"u".

COUNT II
FAILURE TO RECORD PURCHASES OF PSEUDOEPHEDRINE

Respondent is charged with failing to record purchase records in the real-time electronic pseudoephedrine tracking system (PTS) established and administered by the governor's office of drug control policy in violation of 657 IAC 10.32(6), pursuant to Iowa Code sections 147.55(9) and 155A.12(1), and 657 IAC 36.1(4)"u".

COUNT III
FAILURE TO NOTIFY OF CHANGE IN EMPLOYMENT

Respondent is charged with failing to report to the board within ten days a change of the pharmacist's pharmacy employment in violation of 657 IAC 2.15, pursuant to Iowa Code sections 147.55(9) and 155A.12(1), and 657 IAC 36.1(4)"u".

D. FACTUAL CIRCUMSTANCES

1. At all times relevant, Respondent served as the pharmacist in charge at Lewis Family Drug.

2. On several occasions from December 2014 to May 2015, Respondent took over-the-counter drugs, including pseudoephedrine-containing products, from the pharmacy without paying for them.

3. An audit from July 2014 through May 2015 revealed a shortage of approximately 135 packages of pseudoephedrine-containing products.

4. On at least one occasion, Respondent admitted to taking a pseudoephedrine-containing product without logging the transaction into the Iowa Electronic Pseudoephedrine Tracking System.

5. Respondent's employment with Lewis Family Drug ended on or around May 13, 2015. To date, Respondent has not notified the Board that he is no longer employed at that pharmacy.

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 8th day of March, 2016, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.

Chairperson
Iowa Board of Pharmacy

Copy to:

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

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

ADDENDUM B

NOTICE OF HEARING AND STATEMENT OF CHARGES

ANGELA BUCKLAND
PHARMACY TECHNICIAN TRAINEE
REGISTRATION NO. 22004
WILTON, IOWA

BEFORE THE IOWA BOARD OF PHARMACY

Re: Technician Trainee Registration of **ANGELA BUCKLAND** Registration No. 22004 Respondent.	))))))	CASE NO. 2015-161 **NOTICE OF HEARING AND STATEMENT OF CHARGES**

COMES NOW the Iowa Board of Pharmacy ("Board") and files this Notice of Hearing and Statement of Charges against Angela Buckland ("Respondent"), P.O. Box 744, Wilton, IA 52778, 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 technician trainee registration number 22004 is currently active through March 31, 2016.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on May 3, 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 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
DIVERSION OF DRUGS

Respondent is charged with diverting prescription drugs from a pharmacy for personal use or for distribution, pursuant to Iowa Code sections 147.55(9) and 155A.6A(5), and 657 IAC 36.1(4)"ak".

COUNT II
CONVICTION OF A CRIME

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

D. FACTUAL CIRCUMSTANCES

1. In 2015, while working as a pharmacy technician, Respondent diverted approximately 120 tablets of oxycodone and hydrocodone.

2. On January 12, 2016, Respondent pled guilty to three counts of Possession of a Controlled Substance and one count of theft-4th degree in Muscatine County, Iowa.

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 8th day of March, 2016, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.

Chairperson
Iowa Board of Pharmacy

Copy to:

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

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

ADDENDUM C

NOTICE OF HEARING AND STATEMENT OF CHARGES

COURTNEY HOUSE
PHARMACY TECHNICIAN REGISTRATION NO. 16152
HEDRICK, IOWA

BEFORE THE IOWA BOARD OF PHARMACY

Re: Certified Technician Registration of	))	CASE NO. 2015-201
COURTNEY HOUSE Registration No. 16152 Respondent.	))))	**NOTICE OF HEARING AND STATEMENT OF CHARGES**

COMES NOW the Iowa Board of Pharmacy ("Board") and files this Notice of Hearing and Statement of Charges against Courtney House ("Respondent"), 105 Lake St., Hedrick, IA 52563, pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and 272C.3(1)"e", and 657 IAC 35.5 and 36.5. Respondent's Iowa certified technician registration number 16142 is currently delinquent, having expired January 1, 2016.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on May 3, 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 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
DIVERSION OF DRUGS

Respondent is charged with diverting prescription drugs from a pharmacy for personal use or for distribution, pursuant to Iowa Code sections 147.55(9) and 155A.6A(5), and 657 IAC 36.1(4)"ak".

COUNT II
UNETHICAL BEHAVIOR—THEFT

Respondent is charged with engaging in unethical behavior—theft in violation of 657 IAC 3.28(4), pursuant to Iowa Code sections 147.55(9) and 155A.6A(5), and 657 IAC 3.30, 36.1(4)"c", and "u".

D. FACTUAL CIRCUMSTANCES

1. In 2015, while working as a pharmacy technician, Respondent diverted approximately 1,000 tablets of alprazolam and clonazepam.

2. In 2015, while working as a pharmacy technician, Respondent took approximately $5,000 from her employer.

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 8th day of March, 2016, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.

Chairperson
Iowa Board of Pharmacy

Copy to:

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

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

ADDENDUM D

SETTLEMENT AGREEMENT AND FINAL ORDER

DRUG DEPOT, INC.
d/b/a APS PHARMACY
NONRESIDENT PHARMACY LICENSE NOS.
4139 AND 4375
PALM HARBOR, FLORIDA

BEFORE THE IOWA BOARD OF PHARMACY

Re: Nonresident Pharmacy License of	))	CASE NO. 2013-4139
DRUG DEPOT, INC. **d/b/a APS PHARMACY** License Nos. 4139 & 4375 Respondent.	)))))	**SETTLEMENT AGREEMENT AND FINAL ORDER**

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 Drug Depot, Inc. d/b/a APS Pharmacy ("Respondent") enter into the following Settlement Agreement and Final Order ("Order") to settle a contested case currently pending before the Board.

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

1. The Board filed a Notice of Hearing and Statement of Charges on January 12, 2016.

2. The Board has jurisdiction over the parties and the subject matter of these proceedings.

3. Respondent admits the allegations in the Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Order.

4. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to hearing before the Board on the charges, but Respondent waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's actions, by freely and voluntarily entering into this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.

5. Respondent acknowledges that it has the right to be represented by counsel on this matter.

6. Respondent agrees that the State's counsel may present this Order to the Board and may have *ex parte* communications with the Board while presenting it.

7. This Order is subject to approval by a majority of the 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.

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IOWA BOARD OF PHARMACY

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 providing pharmacy services to Iowa residents without an active Iowa pharmacy license violating 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 thousand five hundred dollars ($2,500) 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 29 day of January, 2016.

DRUG DEPOT, INC.
APS PHARMACY
Respondent

By this signature, Michael Marling acknowledges s/he is the General Manager for Drug Depot, Inc. d/b/a APS Pharmacy and is authorized to sign this Settlement Agreement and Final Order on behalf of Drug Depot, Inc. d/b/a APS Pharmacy.

This Settlement Agreement and Final Order is approved by the Iowa Board of Pharmacy on the 8th day of March, 2016.

Chairperson
Iowa Board of Pharmacy

Copy to:

Laura Steffensmeier
Assistant Attorney General
Licensing & Administrative Law Division
Iowa Department of Justice
Hoover Building, 2nd Floor
Des Moines, IA 50319
ATTORNEY FOR THE STATE

ADDENDUM E

COMBINED AMENDED STATEMENT OF CHARGES, SETTLEMENT AGREEMENT, AND FINAL ORDER

PHARMACY CREATIONS, LLC
NONRESIDENT PHARMACY LICENSE NO. 4185
RANDOLPH, NEW JERSEY

BEFORE THE IOWA BOARD OF PHARMACY

Re: Nonresident Pharmacy License of **PHARMACY CREATIONS, LLC** License No. 4185 Respondent.	)))))))	CASE NO. 2015-6 **COMBINED AMENDED STATEMENT OF CHARGES, SETTLEMENT AGREEMENT, AND FINAL ORDER**

COME NOW the Iowa Board of Pharmacy ("Board") and Pharmacy Creations, LLC ("Respondent") and enter into this Combined Amended Statement of Charges, Settlement Agreement, and Final Order ("Order") pursuant to Iowa Code sections 17A.12(5) and 272C.3(4) (2015), and 657 IAC 36.6. The Board issued a Notice of Hearing and Statement of Charges against Respondent on November 4, 2015. Through this Order, the Board and Respondent consent to amend the Statement of Charges and Factual Circumstances as outlined below, and agree to settle the contested case currently pending before the Board.

A. AMENDED STATEMENT OF 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".

COUNT II
FAILURE TO NOTIFY OF DISCIPLINE

Respondent is charged with failing to notify the board within 30 days after a final decision entered by the licensing authority of another state, territory, or country which decision resulted in a license or registration revocation, suspension, or other disciplinary sanction, pursuant to Iowa Code section 155A.13A(3), and 657 IAC 19.10 and 36.1(4)"k".

B. AMENDED FACTUAL CIRCUMSTANCES

1. Respondent became licensed as an Iowa nonresident pharmacy in May 2013. When initially licensed, Respondent was a limited liability company co-owned by two individuals.

2. On October 17, 2013, the Indiana State Board of Pharmacy granted Respondent an Indiana nonresident pharmacy permit, but placed it on probation for a minimum period of 16 months. The probationary period was based solely on Respondent's shipment of medications into Indiana prior to licensure. Respondent reported the discipline to the Board in December 2014. The probationary period has now expired and the probation has been lifted.

3. On April 1, 2014, Imprimis Pharmaceuticals Inc. acquired 100% of the membership interests of the limited liability company Pharmacy Creations, LLC.

4. On April 22, 2014, the Ohio State Board of Pharmacy granted Respondent's Ohio nonresident pharmacy permit, but placed it on probation for 12 months and imposed a $2,000 fine. The probationary period and fine were based solely on Respondent's shipment of medication into Ohio prior to licensure in 2012. Respondent reported the discipline to the Board in August 2014. The probationary period has now expired and the probation has been lifted.

5. On March 16, 2015, the Alabama Board of Pharmacy granted Respondent's Alabama nonresident pharmacy permit, but placed it on probation for a period of one year. The probationary period was based solely on Respondent's prior discipline in Indiana and Ohio, as described above. Respondent reported the discipline to the Board on June 1, 2015.

6. On July 28, 2015, the Colorado Board of Pharmacy issued a Letter of Admonition to Respondent solely for failing to provide timely notification of the above referenced Alabama discipline. Respondent timely reported the discipline to the Board on August 6, 2015.

7. On August 4, 2015, the Texas State Board of Pharmacy granted Respondent's Texas nonresident pharmacy permit, but placed it on probation for a period of two years and imposed a $2,200 fine. The probationary period and fine were based on prior discipline as outlined above and Respondent's failure to disclose one single prior disciplinary action that occurred in 2005. Respondent timely reported the discipline to the Board on September 2, 2015.

8. On October 22, 2015, the Hawaii State Board of Pharmacy granted Respondent's Hawaii non-resident pharmacy permit, but placed it on probation solely due to and concurrent with the Alabama probation. Respondent timely reported the discipline to the Board on November 2, 2015.

9. On November 10, 2015, Respondent agreed to a fine from the New Jersey Board of Pharmacy for deficiencies identified in an inspection. Respondent timely reported the violations to the Board on November 18, 2015.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

1. The Board has jurisdiction over the parties and the subject matter of these proceedings.

2. Respondent acknowledges that the allegations in the Amended Statement of Charges, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Order. Respondent asserts that at the time of acquisition, Imprimis was not aware of the actions taken by the previous co-owners and management as described herein that resulted in disciplinary actions and that following the acquisition and Imprimis' knowledge of such actions, Imprimis terminated all business relationships with the former co-owners and management of the business and such co-owners and management no longer have any association with Respondent's business.

3. Execution of this Order constitutes the resolution of contested case number 2015-6. 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 action, 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.

4. Respondent acknowledges that it has the right to be represented by counsel on this matter.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.

IT IS THEREFORE ORDERED:

11. Respondent is hereby **CITED** for violating the pharmacy or drug laws or rules of another state while under the jurisdiction of that state and for failing to timely notify the Board of discipline 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.

12. Respondent shall pay a **CIVIL PENALTY** in the amount of two thousand five hundred dollars ($2,500) 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.

13. Respondent shall comply with all laws and rules governing Iowa licensed nonresident pharmacies.

14. 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 Combined Amended Statement of Charges, Settlement Agreement, and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 2nd day of March, 2016.

PHARMACY CREATIONS, LLC
Respondent

By this signature, Mark L. Baum acknowledges he is the President for Pharmacy Creations, LLC and is authorized to sign this Combined Amended Statement of Charges, Settlement Agreement, and Final Order on behalf of Pharmacy Creations, LLC.

This Combined Amended Statement of Charges, Settlement Agreement, and Final Order is approved by the Iowa Board of Pharmacy on the 8th day of March, 2016.

Chairperson
Iowa Board of Pharmacy

Copy to:

Laura Steffensmeier
Assistant Attorney General
Licensing & Administrative Law Division
Iowa Department of Justice
Hoover Building, 2nd Floor
Des Moines, IA 50319
ATTORNEY FOR THE STATE

ADDENDUM F

COMBINED STATEMENT OF CHARGES, SETTLEMENT AGREEMENT, AND FINAL ORDER

WICKLIFFE VETERINARY PHARMACY
NONRESIDENT PHARMACY LICENSE NO. 3876
LEXINGTON, KENTUCKY

BEFORE THE IOWA BOARD OF PHARMACY

Re:	)	CASE NO. 2014-181
Nonresident Pharmacy License of	)	
	)	**COMBINED STATEMENT OF CHARGES, SETTLEMENT AGREEMENT, AND FINAL ORDER**
WICKLIFFE VETERINARY PHARMACY	)	
License No. 3876	)	
Respondent.	)	

COME NOW the Iowa Board of Pharmacy ("Board") and Wickliffe Veterinary Pharmacy ("Respondent"), 4340 Georgetown Road, Lexington, KY 40511, and enter into this Combined Statement of Charges, Settlement Agreement, and Final Order ("Order") pursuant to Iowa Code sections 17A.10 and 272C.3(4) (2015), and 657 IAC 36.6, stating the following:

A. STATEMENT OF 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".

B. FACTUAL CIRCUMSTANCES

1. On October 23, 2015, the Kentucky Board of Pharmacy approved an order placing Respondent's pharmacy license on probation for a minimum period of three years and imposing a fine of $100,000. The discipline was a result of compounding deficiencies uncovered at the pharmacy.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

1. The Board has jurisdiction over the parties and the subject matter of these proceedings.

2. Respondent admits the allegations in the Statement of Charges and acknowledges that the allegations, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Order.

3. 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 action, 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.

4. Respondent acknowledges that it has the right to be represented by counsel on this

matter.

5. 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.

6. 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.

7. 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.

8. This Order shall not be binding as to any new complaints received by the Board.

9. Respondent understands the Board is required by federal law to report any adverse action to the National Association of Boards of Pharmacy's Disciplinary Clearinghouse and the National Practitioner Data Bank.

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

11. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.

IT IS THEREFORE ORDERED:

12. Respondent's nonresident pharmacy license is hereby placed on **PROBATION** for the entirety of Respondent's probationary period in Kentucky. Respondent shall comply with all terms of the Kentucky Order. Respondent shall report any violations of the Kentucky Order to the Board immediately. Respondent's nonresident pharmacy license shall be released from probation when the Board receives verification that the Kentucky Board of Pharmacy has released Respondent's pharmacy license from probation.

13. Respondent shall pay a **CIVIL PENALTY** in the amount of one thousand dollars ($1,000) 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.

14. 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 Combined Statement of Charges, Settlement Agreement, and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 11th day of February, 2016.

WICKLIFFE VETERINARY PHARMACY
Respondent

By this signature, Jacqueline Bernard acknowledges s/he is the President/owner for Wickliffe Veterinary Pharmacy and is authorized to sign this Settlement Agreement and Final Order on behalf of Wickliffe Veterinary Pharmacy.

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the Iowa Board of Pharmacy on the 8th day of March, 2016.

Chairperson
Iowa Board of Pharmacy

Copy to:

Laura Steffensmeier
Assistant Attorney General
Licensing & Administrative Law Division
Iowa Department of Justice
Hoover Building, 2nd Floor
Des Moines, IA 50319

ADDENDUM G

COMBINED STATEMENT OF CHARGES, SETTLEMENT AGREEMENT, AND FINAL ORDER

KELSEY TROXEL
PHARMACY TECHNICIAN REGISTRATION NO. 22102
CRESCO, IOWA

BEFORE THE IOWA BOARD OF PHARMACY

Re: Technician Trainee Registration of	))	CASE NO. 2015-188
KELSEY TROXEL Registration No. 22102 Respondent.	))))	**COMBINED STATEMENT OF CHARGES, SETTLEMENT AGREEMENT, AND FINAL ORDER**

COME NOW the Iowa Board of Pharmacy ("Board") and Kelsey Troxel ("Respondent"), 2465 Dogwood Rd., Decorah, IA 52101, and enter into this Combined Statement of Charges, Settlement Agreement, and Final Order ("Order") pursuant to Iowa Code sections 17A.10 and 272C.3(4) (2015), and 657 IAC 36.6, stating the following:

A. STATEMENT OF CHARGES

Count I
DIVERSION OF DRUGS

Respondent is charged with diverting prescription drugs from a pharmacy for personal use or for distribution, pursuant to Iowa Code sections 147.55(9) and 155A.6A(5), and 657 IAC 36.1(4)"ak".

B. FACTUAL CIRCUMSTANCES

1. Respondent holds pharmacy technician trainee registration number 22102, which is currently active through April 30, 2016.

2. In 2015, while working as a pharmacy technician, Respondent diverted approximately 700 tablets of oxycodone and morphine.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

1. The Board has jurisdiction over the parties and the subject matter of these proceedings.

2. Respondent admits the allegations in the Statement of Charges and acknowledges that the allegations, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Order.

3. 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 action, 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.

4. Respondent acknowledges that she has the right to be represented by counsel on this

matter.

5. 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.

6. 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.

7. 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.

8. This Order shall not be binding as to any new complaints received by the Board.

9. Respondent understands the Board is required by federal law to report any adverse action to the National Association of Boards of Pharmacy's Disciplinary Clearinghouse and the National Practitioner Data Bank.

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

11. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.

IT IS THEREFORE ORDERED:

12. Respondent agrees to **VOLUNTARILY SURRENDER** her pharmacy technician trainee registration to resolve this matter.

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

14. Respondent may request reinstatement of her Iowa pharmacy technician registration by filing an application for reinstatement under 657 IAC 36.13. Respondent's registration shall not be reinstated except upon a showing by Respondent that the basis for revocation of her registration no longer exists, and that it is in the public interest for the registration to be reinstated.

15. Respondent agrees not to work in a pharmacy in any capacity in Iowa unless her technician registration is reinstated.

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

This Combined Statement of Charges, Settlement Agreement, and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 24 day of February, 2016.

Kelsey J Troxel

KELSAY TROXEL
Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the Iowa Board of Pharmacy on the 8th day of March, 2016.

James A Miller

Chairperson
Iowa Board of Pharmacy

Copy to:

Laura Steffensmeier
Assistant Attorney General
Hoover Building, 2nd Floor
1305 E. Walnut St.
Des Moines, IA 50319

ADDENDUM H

COMBINED STATEMENT OF CHARGES, SETTLEMENT AGREEMENT, AND FINAL ORDER

DAVID SCHLUETER
PHARMACIST LICENSE NO. 16411
DUBUQUE, IOWA

BEFORE THE IOWA BOARD OF PHARMACY

Re: Pharmacist License of	))	CASE NO. 2015-197
DAVID SCHLUETER License No. 16411 Respondent.	))))	**COMBINED STATEMENT OF CHARGES, SETTLEMENT AGREEMENT, AND FINAL ORDER**

COME NOW the Iowa Board of Pharmacy ("Board") and David Schlueter ("Respondent"), 3645 Crescent Ridge, Dubuque, IA 52003, and enter into this Combined Statement of Charges, Settlement Agreement, and Final Order ("Order") pursuant to Iowa Code sections 17A.10 and 272C.3(4) (2015), and 657 IAC 36.6, stating the following:

A. STATEMENT OF CHARGES

COUNT I
FORGING PRESCRIPTIONS

Respondent is charged with forging a prescription, pursuant to Iowa Code sections 155A.12(1), (3), 147.55(3), and (9), and 657 IAC 36.1(4)"c" and "an".

B. FACTUAL CIRCUMSTANCES

1. In October of 2000, Respondent's pharmacist license was disciplined by the Board for falsifying medical records and creating false patient profiles.

2. From January 2013 to July 2015, Respondent admits to forging and dispensing approximately 14 prescriptions for controlled substances for a family member.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

3. The Board has jurisdiction over the parties and the subject matter of these proceedings.

4. Respondent admits the allegations in the Statement of Charges and acknowledges that the allegations, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Order.

5. 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 action, 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.

6. Respondent acknowledges that he has the right to be represented by counsel on this matter.

7. 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.

8. 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.

9. 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.

10. This Order shall not be binding as to any new complaints received by the Board.

11. 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.

12. 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.

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

IT IS THEREFORE ORDERED:

14. Respondent's license to practice pharmacy is **INDEFINITELY SUSPENDED** until all of the following conditions are satisfied. Once the conditions are satisfied, Respondent's license shall be reinstated automatically:

a. Respondent shall undergo a comprehensive physical and mental evaluation from a Board-approved evaluator to gauge whether there is any condition underlying Respondent's repeated dishonest behavior. Respondent shall comply with any treatment recommended by the evaluator. Respondent's license shall not be reinstated until the evaluator submits written verification to the Board that Respondent is safe to practice pharmacy.

b. Respondent shall complete 2.0 CEU/20 contact hours of continuing education in the area of pharmacy ethics. These CEUs are in addition to the CEUs required for license renewal and cannot be counted towards the CEUs required for license renewal under 657 IAC 2.12. Respondent shall submit certificates to the Board as proof of completion of this requirement. The certifications can be mailed to the Iowa Board of Pharmacy, Attn: Debbie Jorgenson, 400 SW Eighth Street, Suite E, Des Moines, IA 50309. Respondent is responsible for all costs associated with obtaining the required continuing education.

c. Respondent shall pay a civil penalty in the amount of one thousand dollars ($1,000). 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. Respondent shall immediately provide a copy of the Notice of Hearing and Statement of Charges and this Order to his current employer. Prior to accepting any new positions as a pharmacist (no later than at the time of an employment interview), Respondent must provide a copy of the Notice of Hearing and Statement of Charges and this Order to the potential pharmacy employer.

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

This Combined Statement of Charges, Settlement Agreement, and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 11th day of February, 2016.

DAVID SCHLUETER
Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the Iowa Board of Pharmacy on the 8th day of March, 2016.

Chairperson
Iowa Board of Pharmacy

Copy to:

Laura Steffensmeier
Assistant Attorney General
Licensing & Administrative Law Division
Iowa Department of Justice
Hoover Building, 2nd Floor
Des Moines, IA 50319

ADDENDUM I

NOTICE OF INTENDED ACTION

CHAPTER 21, "ELECTRONIC DATA IN PHARMACY PRACTICE"

MARCH 9, 2016

ARC 2498C

PHARMACY BOARD[657]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)*"b."*

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

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

The amendment was approved at the March 9, 2016, regular meeting of the Board of Pharmacy.

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

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

Any interested person may present written comments, data, views, and arguments on the proposed amendment not later than 4:30 p.m. on May 17, 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.

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

The following amendment is proposed.

Amend subrule 21.8(4) as follows:

21.8(4) *Original prescription.* The electronic transmission shall be deemed the original prescription drug order provided it meets the requirements of this rule. The electronic transmission of a prescription drug order for a controlled substance shall meet all requirements of the DEA for electronic prescribing. An electronically prepared and transmitted prescription shall be maintained electronically in the prescriber's electronic prescription application and the pharmacy prescription application for a minimum period of two years following the date of last activity on that prescription record. ~~Once a prescription is created and transmitted electronically, the prescription record shall not be printed and retained as a hard-copy record.~~