

BEFORE THE IOWA BOARD OF PHARMACY

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

COMES NOW the Iowa Board of Pharmacy ("Board") and files this Notice of Hearing and Statement of Charges against Palm Beach Pharmaceuticals Inc. ("Respondent"), 8409 N Military Trail, Ste #125, Palm Beach, FL 33410, pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and 272C.3(1)"e", and 657 IAC 35.5 and 36.5. Respondent's Iowa nonresident pharmacy license number 3715 is currently active through December 31, 2016.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on November 1, 2016, before the Board. The hearing shall be held during the morning session beginning at 9:00 a.m. and shall be located in the Board conference room located at the Iowa Board of Pharmacy Office, 400 S.W. 8th Street, Suite E, Des Moines, Iowa, 50309-4688.

Answer. Within twenty (20) days of the date you are served this Notice of Hearing and Statement of Charges, you may file an Answer pursuant to 657 IAC 35.11. The Answer should specifically admit, deny, or otherwise answer all allegations contained in sections C and D of this Notice of Hearing and Statement of Charges.

Filing of Pleadings. Pleadings shall be filed with the Board at the following address: Iowa Board of Pharmacy, 400 S.W. 8th Street, Suite E, Des Moines, Iowa, 50309-4688.

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

Pre-hearing Conference. Any party may request a prehearing conference in accordance with 657 IAC 35.15 to discuss issues related to the hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 657 IAC 35. At the hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at the hearing. If you need to request an alternative time or date for the hearing, you must comply with the

requirements in 657 IAC 35.16. The hearing may be open to the public or closed to the public at your discretion.

Prosecution. The Office of Attorney General is responsible for representing the public interest (the State) in this proceeding. Copies of pleadings should be provided to counsel for the State at the following address:

Laura Steffensmeier
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319

Ms. Steffensmeier can also be reached by phone at (515) 281-6690 or by e-mail at laura.steffensmeier@iowa.gov.

Communications. You may contact the Board office at (515) 281-5944 with questions regarding this notice and other matters relating to these disciplinary proceedings. You may not contact individual Board members in any manner, including by phone, letter, or e-mail, regarding this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and the opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case.

B. LEGAL AUTHORITY AND JURISDICTION

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 155A, and 272C (2015).

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

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

C. CHARGES

COUNT I

FAILURE TO SUBMIT APPLICATION FOR CHANGE IN PIC

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

COUNT II
OUT-OF-STATE DISCIPLINE

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

D. FACTUAL CIRCUMSTANCES

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

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

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

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

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


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

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 657 IAC 36.6. If you are interested in pursuing settlement in this matter, please contact Assistant Attorney General Laura Steffensmeier at (515) 281-6690.

F. FINDING OF PROBABLE CAUSE

On this 30th day of August, 2016, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.



Chairperson
Iowa Board of Pharmacy

Copy to:

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

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