

BEFORE THE IOWA BOARD OF PHARMACY

RE:
Nonresident Pharmacy License of

UNITED SPECIALTY PHARMACY
License No. 4616
Respondent.

CASE NO. 2017-54

**SETTLEMENT AGREEMENT AND
FINAL ORDER**

Pursuant to Iowa Code sections 17A.12(5) and 272C.3(4) (2017), and 657 IAC 35.24, the Iowa Board of Pharmacy ("Board") and United Specialty 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 November 1, 2017.
2. The Board has jurisdiction over the parties and the subject matter of these proceedings.
3. Respondent denies the allegations contained in the Statement of Charges, but 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.
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. Respondent is hereby **CITED** for failure to perform/ensure complete drug use review and for utilizing an unlicensed central processing pharmacy and **WARNED** that Respondent's failure to comply with the statutes 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 dollars (\$2,000) within sixty (60) 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.

15. Respondent shall update its policy and procedure regarding drug use review and re-train all staff on the policy and procedure. Within sixty (60) days of Board approval of this Order, Respondent shall submit a copy of the updated drug use review policy and procedure and a record of re-training to the Board.

16. Respondent agrees not to utilize any central processing pharmacy to process prescriptions for Iowa patients unless the pharmacy is licensed in Iowa.

17. The civil penalty and the documentation required to be submitted to the Board pursuant to paragraphs 14 and 15 should be mailed to the Iowa Board of Pharmacy, Attn: Amanda Woltz, 400 SW 8th St, Ste E, Des Moines IA 50309.

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 155A and 272C, and 657 IAC chapter 36.

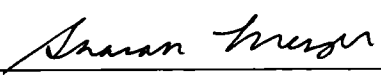
This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 0th day of January, 2018.



UNITED SPECIALTY PHARMACY
Respondent

By the signature above, TIBBENS A KORANIANG acknowledges s/he is the GENERAL COUNSEL for Respondent and is authorized to sign this Settlement Agreement and Final Order on behalf of Respondent.

This Settlement Agreement and Final Order is approved by the Iowa Board of Pharmacy on the 16 day of January, 2018.



Chairperson
Iowa Board of Pharmacy

BEFORE THE IOWA BOARD OF PHARMACY

RE:
Nonresident Pharmacy License of

UNITED SPECIALTY PHARMACY
License No. 4616
Respondent.

CASE NO. 2017-54

**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 United Specialty Pharmacy (“Respondent”), 425 West Parkway, Suite 2, Euless Texas 76040, pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and 272C.3(1)"e", and 657 IAC 35.6 and 35.7. Respondent’s Iowa nonresident pharmacy license number 4272 is currently active through December 31, 2017.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on January 16, 2018, before the Board. The hearing shall begin at 1:00 p.m. and shall be located in the Board conference room located at the Iowa Board of Pharmacy Office, 400 SW 8th St, Ste E, Des Moines IA 50309.

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 35.16. 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 either by e-mail, if done in compliance with 657 IAC 35.17(2), to Amanda.Woltz@iowa.gov, or by mail/delivery to the following address: Iowa Board of Pharmacy, 400 SW 8th St, Ste E, Des Moines IA 50309.

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 contested case hearing, including prehearing matters, are found at 657 IAC chapter 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. The hearing may be open to the public or closed to the public at your discretion, pursuant to Iowa Code section 272C.6(1) and 657 IAC 35.25(10).

Prosecution. The Office of Attorney General of Iowa is responsible for representing the public interest (the State) in this proceeding. Counsel for the State in this matter is Assistant Attorney General Laura Steffensmeier. Ms. Steffensmeier can be reached by phone at (515) 281-6690. Copies of pleadings should be provided to counsel for the State either by email to Laura.Steffensmeier@iowa.gov, or by mail/delivery to the following address:

Laura Steffensmeier
Assistant Attorney General
Hoover State Office Building—2nd Floor
1305 E Walnut St
Des Moines IA 50319

Communications. 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 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, 155A, and 272C (2017).

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 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 35.27.

C. STATEMENT OF CHARGES

COUNT I

FAILURE TO PERFORM/ENSURE COMPLETE DRUG USE REVIEW

Respondent is failing to perform/ensure a complete drug use review prior to dispensing a prescription drug in violation of 657 IAC 8.21, 18.3(3), and 19.9(2), and may be disciplined pursuant to Iowa Code section 155A.13A(5)(d) and 657 IAC 19.11(5) and 36.6(21).

COUNT II

UTILIZING AN UNLICENSED CENTRAL PROCESSING PHARMACY

Respondent is charged with failing to ensure legal compliance with all applicable provisions contained in federal and state laws, rules, and regulations, including the requirement that a central processing pharmacy located outside of Iowa maintain Iowa nonresident pharmacy licensure in addition to the licensure requirements of the pharmacy's home state in

violation of 657 IAC 18.3(2)"a", and may be disciplined pursuant to Iowa Code section 155A.13A(5)(d) and 657 IAC 19.11(5) and 36.6(21).

D. FACTUAL CIRCUMSTANCES

1. In April of 2017, Respondent dispensed a prescription to a patient located in Iowa without obtaining and reviewing the patient's allergy information.

2. Respondent contracts with LegacyRx LLC, which is located in Addison, Texas, to provide centralized prescription drug order processing for prescriptions intended for patients located in Iowa. LegacyRx LLC is not licensed as a nonresident pharmacy in 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 35.24. To cancel a scheduled hearing, an executed settlement agreement must be received by the Board at least three (3) business days prior to the scheduled hearing. If you are interested in pursuing settlement in this matter, please contact the Assistant Attorney General identified above.

F. FINDING OF PROBABLE CAUSE

On this 1st day of November, 2017, 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 State Office Building—2nd Floor
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).