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BEFORE THE IOWA BOARD OF PHARMACY

DEC 21 2017

RE:
Pharmacy License of

NUCARA COMPOUNDING PHARMACY
License No. 1057
Respondent

CASE NO. 2017-47

IOWA BOARD OF PHARMACY

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

COME NOW the Iowa Board of Pharmacy ("Board") and NuCara Compounding Pharmacy ("Respondent"), 105 W Main St, Ottumwa IA 52501, 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), and 657 IAC 35.5. The Board has jurisdiction over Respondent and the subject matter of this case pursuant to Iowa Code chapters 17A, 155A, and 272C (2017), and 657 IAC chapter 36.

A. STATEMENT OF CHARGES

1. Respondent is charged with having a license revoked or suspended or having other disciplinary action taken by a licensing authority of this state or of another state, territory, or country for conduct substantially equivalent to any of the grounds for disciplinary action in Iowa, and may be disciplined pursuant to Iowa Code section 155A.15(2)(c) and 657 IAC 36.6(31).

B. FACTUAL CIRCUMSTANCES

2. Respondent's Iowa pharmacy license number 1057 is currently active through December 31, 2017.

3. On December 21, 2016, the Minnesota Board of Pharmacy approved a Stipulation and Consent Order, which imposed a civil penalty on Respondent and in which Respondent's Minnesota pharmacy license was voluntarily surrendered as a result of Respondent's violations of applicable Minnesota statutes and rules governing compounded veterinary preparations.

4. The conduct occurred under Respondent's Equine division, which has since ceased operations.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

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

6. 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.

7. 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.

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

9. 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.

10. 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.

11. 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.

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

13. 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.

14. 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.

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

IT IS THEREFORE ORDERED:

16. Respondent is hereby **CITED** for having a license revoked or suspended or having other disciplinary action taken by a licensing authority of another state for conduct substantially equivalent to any of the grounds for disciplinary action in Iowa 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.

17. 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: Amanda Woltz, 400 SW Eighth Street, Suite 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 Combined Statement of Charges, Settlement Agreement, and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 27 day of November, 2017



NUCARA COMPOUNDING PHARMACY
Respondent

By this signature, Brian Wegmann acknowledges s/he is the CEO for Respondent and is authorized to sign this Combined Statement of Charges, Settlement Agreement, and Final Order on behalf of Respondent.

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the Iowa Board of Pharmacy on the 14 day of January, 2018.



Chairperson
Iowa Board of Pharmacy