

Exhibit #35

State of Iowa
Board of Pharmacy

RiverPoint Business Park
400 S.W. Eighth Street, Suite E, Des Moines, Iowa 50309-4688
<http://www.iowa.gov/ibpe>
Telephone: (515) 281-5944 Facsimile: (515) 281-4609

BOARD MEMBERS

SUSAN M. FREY, R. Ph.
Villisca

JAMES MILLER, R. Ph.
Dubuque

JUDITH M. TRUMPY
Ames

EDWARD L. MAIER, R. Ph., Mapleton
Chairperson

LLOYD K. JESSEN, R. Ph., JD., West Des Moines
Executive Director

BOARD MEMBERS

SHARON K. MEYER, Pharm. D.
Urbandale

LADONNA GRATIAS
Clive

EDWARD J. McKENNA, R. Ph.
Storm Lake

MINUTES

March 9-11, 2015

The Iowa Board of Pharmacy met on March 9-11, 2015, in the conference room at 400 SW Eighth Street, Des Moines, Iowa.

MEMBERS PRESENT

Edward L. Maier, Chairperson
James Miller, Vice-Chair
Susan M. Frey
LaDonna Gratias
Edward J. McKenna
Sharon K. Meyer

MEMBERS ABSENT

Judith M. Trumpy

SPEAKERS

Carl Olsen, Des Moines
Connie Nogart, West Des Moines
Sally Gaer, West Des Moines
Kari Sckerl, Waterloo
Ned Milenkovich, FLAVORx
Chad Baker, FLAVORx
Megan Myers, IPA
Cheri Schmit, Medicap/GRX Holdings
Anthony Pudlo, IPA
Katy Brown, Telligen

STAFF PRESENT

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

At 1:00 p.m., Edward Maier, Chairperson, called the meeting of the Iowa Board of Pharmacy to order on Monday, March 9, 2015.

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Approval of Open Session Minutes

The minutes of the January 5-6, 2015, meeting; the January 16, 2015, teleconference meeting; and the February 12, 2015, teleconference meeting were reviewed.

Motion by Susan Frey, seconded by LaDonna Gratiias, to approve the open session minutes of the January 5-6, 2015, meeting as presented. Motion approved unanimously.

Motion by James Miller seconded by Edward McKenna, to approve the open session minutes of the January 16, 2015, teleconference meeting as presented. Motion approved unanimously.

Motion by Edward McKenna, seconded by LaDonna Gratiias, to approve the open session minutes of the February 12, 2015, teleconference meeting as presented. Motion approved unanimously.

Requests

1. Marijuana Scheduling Petition for Reconsideration – Carl Olsen, Des Moines.

Motion by James Miller, seconded by Susan Frey, to deny the Petition for Reconsideration. Motion approved unanimously.

2. Approval to Continue Participation in Amicare Pharmacy Anticoagulation Clinic as an Authorized Pharmacist – Kari A. Sckerl, Iowa Pharmacist License No. 18670, Waterloo.

Motion by James Miller, seconded by Sharon Meyer, to approve Kari Sckerl as a qualified pharmacist to participate in the collaborative practice agreement. Motion approved unanimously.

3. Authorization to Participate in Unity Point at Home Infusion Pharmacy's Vancomycin Collaborative Practice Agreement – Patrick J. Walter.

Motion by Susan Frey, seconded by Edward McKenna, to approve the request. Motion approved unanimously.

4. Authorization to Participate in Unity Point at Home Infusion Pharmacy's Vancomycin Collaborative Practice Agreement – Jill Swallow.

Motion by James Miller, seconded by Edward McKenna, to approve the request. Motion approved unanimously.

5. Authorization to Participate in Unity Point at Home Infusion Pharmacy's Vancomycin Collaborative Practice Agreement – Melissa Wessels.

Motion by James Miller, seconded by Susan Frey, to approve the request. Motion approved unanimously.

6. Authorization to Participate in Unity Point at Home Infusion Pharmacy's Vancomycin Collaborative Practice Agreement – Tracy McVey.

Motion by Susan Frey, seconded by James Miller, to approve the request. Motion approved unanimously.

7. Request for Waiver – 657 I.A.C. Records – HyVee Pharmacy Clinic #1504, Bloomfield.

Motion by James Miller, seconded by Susan Frey to approve the request for two years with the condition Bloomfield Hy-Vee Pharmacy Clinic keep their records separate from the

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Ottumwa Pharmacy and the records are secured in a location that only the Bloomfield employees have access to. Motion approved unanimously.

8. Request for Waiver – 657 I.A.C. 6.16 Records – Hy-Vee Drugstore # 7057, Mount Pleasant.

Motion by Susan Frey, seconded by James Miller, to deny the request for waiver due to the storage facility not meeting board criteria. Motion approved unanimously.

9. Request for Internship Credit – Rania Abdelwahed, Cedar Rapids.

Motion by Susan Frey, seconded by LaDonna Gratiias, to approve the request granting credit for 1,200 hours of internship in lieu of life experience requiring Ms. Abdelwahed to complete an additional 300 hours of internship. Motion approved unanimously.

Rules/Legislation

1. Bill to Help Pharmacists Provide Medical Services to Older Americans in Under-served Areas – The Honorable Charles Grassley Press Release.

Informational item.

2. Iowa Board of Medicine Seeks Legislation to Expedite Multiple-State Licensure.

Informational item.

3. Comments on Pharmacy Compounding Rules – Ned Milenkovich, Much Shelist, P.C., Illinois.

Ned Milenkovich and Chad Baker addressed the Board regarding the proposed changes to Chapter 20, “Pharmacy Compounding Practices,” which would define compounding as including the flavoring of prescriptions, believing the proposed change would impact patient care and supports removing flavoring from the definition of compounding.

4. Adopted and Filed: Amends Chapter 3, “Pharmacy Technicians,” Chapter 6, “General Pharmacy Practice,” and Chapter 7, “Hospital Pharmacy Practice”; to rescind Chapter 13, “Sterile Compounding Practices”; and to rescind Chapter 20, “Pharmacy Compounding Practices,” and adopt a new Chapter 20, “Compounding Practices,” Iowa Administrative Code.

Motion by James Miller, seconded by Edward McKenna, to terminate current Notice of Intended Action based on comments and suggestions from the public and file a new proposed Notice of Intended Action. Motion approved unanimously. Copies are attached as Addendum A (Notice of Termination) and Addendum B (Notice of Intended Action.)

5. Adopted and Filed: Amends Chapter 8, “Universal Practice Standards.”

Motion by Susan Frey, seconded by LaDonna Gratiias, to approve for Adoption and Filing. Motion approved unanimously. A copy is attached as Addendum C.

Closed Session

At 2:22 p.m., motion by Susan Frey, seconded by LaDonna Gratiias, the Board voted unanimously by roll call vote to move into closed session pursuant to Iowa Code Section § 21.5(1)(a) to review records required by state or federal law to be kept confidential.

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At 2:30 p.m., while still in closed session, Edward McKenna moved that the Board go into open session, seconded by James Miller. Motion approved unanimously.

In open session, the following action was taken:

Motion by Susan Frey, seconded by James Miller, to grant request modifying October 10, 2013, Board Order by extending the time requirement for an additional 18 months starting March 9, 2015, for Janet Rote McEvoy. Motion approved unanimously.

Rules/Legislation

- 1. Adopted and Filed: Amends Chapter 36, "Discipline."

Motion by Susan Frey, seconded by LaDonna Gratiyas, to approve for Adoption and Filing as amended. Motion passed by roll call vote. James Miller and Edward McKenna voted nay. A copy is attached as Addendum D.

- 2. Adopted and Filed: Amends Chapter 6, "General Pharmacy Practice," Chapter 7, "Hospital Pharmacy Practice," Chapter 8, "Universal Practice Standards," Chapter 9, "Automated Medication Distribution Systems and Telepharmacy Services," Chapter 15, "Correctional Pharmacy Practice," Chapter 18, "Centralized Prescription Filling and Processing," Chapter 19, "Nonresident Pharmacy Practice, Chapter 22, "Unit Dose, Alternative Packaging, and Emergency Boxes," and Chapter 23, "Long Term Care Pharmacy Practice."

Motion by Susan Frey, seconded by James Miller, to approve for Adoption and Filing. Motion approved unanimously. A copy is attached as Addendum E.

- 3. A Bill For an Act Creating the Medical Cannabis Act and Providing for Civil and Criminal Penalties and Fees.

Informational item.

Reports

Executive Director's Report.

- 1. Edward McKenna has been reappointed to a second term on the Board. Mr. McKenna's new term will be May 1, 2015, to April 30, 2018.
- 2. Jason Hansel of Bettendorf has been appointed to the Board effective May 1, 2015. Mr. Hansel will replace Susan Frey when Ms. Frey retires from the Board on April 30, 2015.
- 3. 50-Year Pharmacist List – Iowa Pharmacists Licensed in 1965.

A list of 26 pharmacists was provided for review.

- 4. Financial.

FY15 as of 02/28/15 (66.67% of FY completed)

Revenue Anticipated:	\$ 3,833,933
Revenue Y-T-D	\$ 2,945,063 (77%)
Carry-over from FY14	\$ 1,504,637

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FY15 Fee Receipts	\$ 1,440,426
Budget Allocation	\$ 3,833,933
Obligations Y-T-D	\$ 1,996,524 (52%)
Cash Fund Balance	\$ 1,445,069
\$ 850,000 reserved for database	
Fines/Civil Penalties Collected	\$ 43,250

5. Meetings and Travel.

- A. The Rules Committee has a meeting with a committee from the Iowa Board of Podiatry on March 10, 2015, to continue discussion relating to the sale of diabetic shoes and related items by pharmacies.
- B. The Iowa Pharmacy Recovery Network (IPRN) will hold its Spring Meeting on April 20, 2015, from 3:00 to 5:00 pm in Iowa City.
- C. The April Board Meeting is scheduled for April 28-29, 2015, at the Board office in Des Moines.
- D. A retirement dinner for Susan Frey will be held on Tuesday evening, April 28, 2015, in Des Moines.
- E. The 111th Annual Meeting of the National Association of Boards of Pharmacy (NABP) will be held in New Orleans, Louisiana on May 16-19, 2015.
- F. The Iowa Pharmacy Association (IPA) Annual Meeting will be held in Coralville on June 11-13, 2015.
- G. The June Board Meeting is scheduled for June 23-24, 2015, at the Board office in Des Moines.
- H. The 78th Annual Meeting of District Five NABP/AACP will be held in Fargo, North Dakota on August 6-8, 2015.
- I. The September Board Meeting is scheduled for September 1-2, 2015, at the Board office in Des Moines.

6. Iowa Pharmacist Recovery Network (IPRN) Report.

The IPRN Report was submitted for review.

7. NuCara Pharmacy #29, License No. 1450, Telepharmacy Quarterly Report.

NuCara Pharmacy submitted their Telepharmacy Quarterly Report for review.

8. Allen Hospital – Tech-Check-Tech Program Quarterly Report.

Allen Hospital submitted their Tech-Check-Tech Quarterly Report for review.

9. Baum Harmon Mercy Hospital – Quarterly Waiver Report.

Baum Harmon Mercy Hospital submitted their Quarterly Waiver Report for review.

10. Hy-Vee Pharmacy Fulfillment Center's 2014 Fourth Quarterly Error Report.

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Hy-Vee Pharmacy Fulfillment Center submitted their Fourth Quarterly Error Report for review.

11. Phase One – Third Quarterly Report- New Practice Model – Megan Myers, Iowa Pharmacy Association.

Megan Myers provided the third Quarterly New Practice Model Report.

12. Job Licenses in Spotlight as Uber Rises – New York Times (January 27, 2015 – online.)

Informational item.

13. Job Licensing Laws Need Thorough Review – Des Moines Register (February 20, 2015 – online.)

Informational item.

14. Iowa Prescription Monitoring Program (PMP) Conference – February 10, 2015.

A list of findings and recommendations from PMP conference attendees was provided for review. Changes to the PMP may be accomplished in three ways: (1) internal or administrative program changes; (2) rule revision to 657 Iowa Administrative Code Chapter 37; or (3) legislative changes to Iowa Code §124.551. A majority of attendees supported providing access to the PMP via “auto registration” for prescribers and pharmacists administratively by the Board and encouraged the Board to explore the possibility of providing that service. Discussion was held regarding auto registration; adding personnel to the board staff for the purpose of providing more services to providers and pharmacists; and the future funding needs of the PMP. Recommendations will be referred to the Rules Committee for further discussion. The Rules Committee will plan to meet with the PMP Advisory Council to discuss the recommendations. The Board will continue with the current system they are using and send a letter to registrants reminding them the PMP is available as an important clinical tool.

15. The Expanding Role of Pharmacists in a Transformed Health Care System – National Governors Association Center for Best Practices.

Board staff and Anthony Pudlo will meet with the Health Department to have dialogue about collaborative practice between pharmacists and non-physician prescribing practitioners.

16. State Board of Pharmacy Update.

The Pharmacy Technician Certification Board (PTCB) administers an accredited certification program for pharmacy technicians. This year marks the twentieth anniversary of the founding of PTCB.

Medication Safety and Adverse Drug Event Prevention Presentation – Katy Brown, Telligen

Katie Brown provided a presentation on Medication Safety and Adverse Drug Event Prevention. Telligen is a Quality Improvement Organization (QIO) for the states of Iowa, Colorado, and Illinois, contracted by the Centers for Medicare and Medicaid Services. QIO activities include direct technical assistance to physicians, clinical pharmacists, hospitals, nursing homes, and home health agencies to improve the outcomes of health care services. QIO’s mission is better care for individuals; better health for populations; and lower cost through improvement (affordable care.)

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Licensure/Registration

1. Premier Kids Care Inc., Hollywood, Florida, and Premier Kids Care Inc., Monroe, Georgia.

Motion by James Miller, seconded by Susan Frey, to approve the applications for Nonresident Iowa Pharmacy License. Motion approved unanimously.

2. Ashley Steele, West Burlington.

Motion by James Miller, seconded by Edward McKenna, to approve the Application for Pharmacy Technician Trainee Registration without restrictions. Motion approved unanimously.

Closed Session

At 4:40 p.m., motion by Susan Frey, seconded by Edward McKenna, the Board voted unanimously by roll call vote to move into closed session pursuant to Iowa Code Section § 21.5(1)(a) to review records required by state or federal law to be kept confidential.

At 5:02 p.m., while still in closed session, James Miller moved that the Board go into open session, seconded by Susan Frey. Motion approved unanimously.

In open session, the following actions were taken:

Motion by Susan Frey, seconded by Sharon Meyer, to approve request for license transfer for Benjamin Grote. Motion approved unanimously.

Motion by LaDonna Gratias, seconded by James Miller, to approve request to extend validation of internship hours until May 31, 2015, for Veronica Montefusco. Motion approved unanimously.

Motion by James Miller, seconded by LaDonna Gratias, to approve request to extend validation of internship hours until May 31, 2015, for Sharon Rosal. Motion approved unanimously.

Motion by James Miller, seconded by Susan Frey, to approve request to extend validation of internship hours and to retake the NAPLEX and MPJE examinations with a deadline of September 9, 2015, for B.M. Motion approved unanimously.

Complaints Against Non-Licensees

2015-05 Aetna Inc.

Motion by Susan Frey, seconded by Ed McKenna, to close with a referral to the Insurance Commissioner. Motion approved unanimously.

Executive Director's Retirement

Lloyd Jessen announced his retirement from the Executive Director's position at the Iowa Board of Pharmacy. Meghan Gavin provided the Board with information on how to proceed with filling the position. The Board may hire a National Search Firm or select a three board member committee to serve as the Board's Search Committee. The Board discussed the options of hiring a National Search Firm or selecting a three board member committee to serve as the Board's Search Committee to fill the Executive Director's position. Discussion was held regarding salary, position description, timeline, Request for Proposal, posting the position, transition, and an

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Interim Director. Edward Maier, Sharon Meyer, and James Miller will serve on the Board's Search Committee. The Search Committee and board staff will meet with a representative from the Department of Administrative Services on Wednesday afternoon, March 11, 2015, to discuss the Board's options for hiring a new Executive Director.

Closed Session

At 6:15 p.m., motion by Susan Frey, seconded by LaDonna Gratias, the Board voted unanimously by roll call vote to move into closed session for the following reasons:

For review of Closed Session Minutes pursuant to Iowa Code § 21.5(1)(a) because closed session minutes are confidential under Iowa Code § 21.5(4).

For Follow-Up Investigative Information pursuant to Iowa Code § 21.5(1)(d) to discuss whether to initiate licensee disciplinary investigation or proceedings and § 21.5(1)(a) because complaints and investigative reports are confidential under Iowa Code § 272C.6(4).

For Settlement Agreement and Final Orders pursuant to Iowa Code § 21.5(1)(f) to discuss the decision to be rendered in a contested case.

For Combined Statement of Charges, Settlement Agreement, and Final Orders pursuant to Iowa Code § 21.5(1)(d) to discuss whether to initiate licensee disciplinary investigations or proceedings and § 21.5(1)(f) to discuss the decision to be rendered in a contested case.

For Notice of Hearings and Statement of Charges pursuant to Iowa Code § 21.5(1)(d) to discuss whether to initiate licensee disciplinary investigations or proceedings.

For Orders to Show Cause pursuant to Iowa Code § 21.5(1)(d) to discuss whether to initiate licensee disciplinary investigations or proceedings.

For Complaints and Investigative Reports pursuant to Iowa Code § 21.5(1)(d) to discuss whether to initiate licensee disciplinary investigations or proceedings and § 21.5(1)(a) because complaints and investigative reports are confidential under Iowa Code § 272C.6(4).

At 7:58 p.m., while still in closed session, Edward McKenna moved that the Board go into open session, seconded by James Miller. Motion approved unanimously.

At 8:00 p.m., the Board went to recess.

The meeting reconvened in open session on Tuesday, March 10, 2015, at 9:00 a.m.

TUESDAY, MARCH 10, 2015

MEMBERS PRESENT

Edward L. Maier, Chairperson
James Miller, Vice-Chair
Susan M. Frey
LaDonna Gratias
Edward J. McKenna
Sharon K. Meyer

STAFF PRESENT

Lloyd Jessen, Executive Director
Laura Steffensmeier, Esq., Assistant
Therese Witkowski, Executive Officer
Debbie Jorgenson, Administrative Assistant
Becky Hall, Secretary
Andrew Funk, Compliance Officer
Curt Gerhold, Compliance Officer

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MEMBERS ABSENT

Judith M. Trumpy

Mark Mather Compliance Officer
Sue Mears, Compliance Officer
Jean Rhodes, Compliance Officer
Jennifer Tiffany, Compliance Officer
Jennifer O'Toole, Compliance Officer
Jim Wolfe, Compliance Officer

At 9:10 a.m., Edward Maier, Chairperson, called the meeting of the Iowa Board of Pharmacy to order.

Administrative Hearing

Case 2013-167 John Doe II

At 9:10 a.m., Margaret LaMarche, Administrative Law Judge, Department of Inspections and Appeals opened the record. Assistant Attorney General Laura Steffensmeier represented the State. Mr. Doe appeared without counsel. The hearing was conducted in the presence of the Board. The hearing was closed to the public.

The Board heard testimony of witnesses and examined exhibits.

At 9:52 a.m., the record was closed.

At 9:53 a.m., motion by Susan Frey, seconded by LaDonna Gratias, the Board voted unanimously by roll call vote to move into closed session in accordance with Iowa Code Section 21.5(1)(f) to discuss the decision to be rendered in a contested case.

At 10:05 a.m., James Miller moved that the Board go into open session, seconded by LaDonna Gratias. Motion approved unanimously.

Motion by Susan Frey, seconded by LaDonna Gratias, to direct Administrative Law Judge Margaret LaMarche to draft the Order consistent with the Board's deliberations for case 2014-167 John Doe II. Motion approve unanimously.

Closed Session

At 10:20 a.m., motion by Susan Frey, seconded by LaDonna Gratias, the Board voted unanimously by roll call vote to move into closed session for Complaints and Investigative Reports pursuant to Iowa Code § 21.5(1)(d) to discuss whether to initiate licensee disciplinary investigations or proceedings and § 21.5(1)(a) because complaints and investigative reports are confidential under Iowa Code § 272C.6(4).

At 11:02 a.m., Edward McKenna moved that the Board go into open session, seconded by Sharon Meyer. Motion approved unanimously.

In open session, the following actions were taken:

1. Settlement Agreement and Final Order.

Motion by James Miller, seconded by Edward McKenna, to approve the Settlement Agreement and Final Order in the following cases. Motion approved unanimously.

- A. Daniel Ashton, Jr., Pharmacist License No. 13182 of Effingham, Illinois. A copy of the Settlement Agreement and Final Order is attached as Addendum F.
- B. Olufemi Omodara, Pharmacist License No. 17817 of Goodyear, Arizona. A copy of the

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Settlement Agreement and Final Order is attached as Addendum G.

- C. Mary McMillian, Pharmacist License No. 19740 of Elgin. A copy of the Settlement Agreement and Final Order is attached as Addendum H.
- D. Rashid LTC Pharmacy, Pharmacy License No. 1129 of Fort Madison. A copy of the Settlement Agreement and Final Order is attached as Addendum I.
- E. David Tracey King, Pharmacist License No. 19586 of Burlington. A copy of the Settlement Agreement and Final Order is attached as Addendum J.
- F. Gwen Rugger, Pharmacy Support Person Registration No. 2675 of Coralville. A copy of the Settlement and Final Order is attached as Addendum K.
- G. Brady Rolfes, Pharmacy Technician Registration No. 18729 of Iowa City. A copy of the Settlement Agreement and Final Order is attached as Addendum L.
- H. Amanda Knouse, Pharmacy Technician Registration No. 20304 of Des Moines. A copy of the Settlement Agreement and Final Order is attached as Addendum M.
- I. Stacy Jahlas, Pharmacy Technician Registration No. 14928 of Belle Plaine. A copy of The Settlement Agreement and Final Order is attached as Addendum N.
- J. John E. Guck, Pharmacist License No. 18556 of Libertyville. A copy of the Settlement Agreement and Final Order is attached as Addendum O.
- K. Stephen Scott, Pharmacist License No. 18067 of Tipton. A copy of the Settlement Agreement and Final Order is attached as Addendum P.

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

Motion by Susan Frey, seconded by James Miller, to approve the Combined Statement of Charges Settlement Agreement and Final Order in the case of Village Fertility Pharmacy, Nonresident Pharmacy License No. 4230 of Waltham, Massachusetts. Motion approved unanimously. A copy of the Combined Statement of Charges, Settlement Agreement, and Final Order is attached as Addendum Q.

3. Combined Notice of Hearing and Statement of Charges.

Motion by James Miller, seconded by LaDonna Gratiias, to approve Notice of Hearing and Statement of Charges in the following cases. Motion approved unanimously.

- A. Weatherford Compounding Pharmacy, Nonresident Pharmacy License No. 4075 of Weatherford, Texas. A copy of the Notice of Hearing and Statement of Charges is attached as Addendum R.
- B. Donald Versluys, Pharmacist License No. 15600 of Pella. A copy of the Notice of Hearing and Statement of Charges is attached as Addendum S.
- C. Marquisha Haygood, Pharmacy Technician Registration No. 19605 of Des Moines. A copy of the Notice of Hearing and Statement of Charges is attached as Addendum T.
- D. Sherri Marshall, Pharmacy Technician Registration No. 18129 of Des Moines. A copy of the Notice of Hearing and Statement of Charges is attached as Addendum U.
- E. Mark Frahm, Pharmacist License No. 15271 of Ottumwa. A copy of the Notice of Hearing and Statement of Charges is attached as Addendum V.
- F. Mary Mosher, Pharmacist License No. 20661 of Cedar Rapids. A copy of the Notice of Hearing and Statement of Charges is attached as Addendum W.

4. Close With No Action.

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Motion by James Miller, seconded by Edward McKenna, to close with no further action the investigative file in complaint numbers: 2013-3579, 2013-4048, 2014-158, 2014-173, 2014-200, 2015-28, 2015-30, 2015-33, 2014-211, 2014-209, 2014-210, 2015-1, 2015-16, 2014-188, 2014-198, 2015-7, 2014-159, 2014-207, 2015-11, 2014-124, 2014-180, 2015-9, 2015-18, 2015-21, 2014-203, 2014-212, 2015-2, 2015-3, and 2015-4. Motion approved unanimously.

5. Letter of Education.

Motion by Susan Frey, seconded by Edward McKenna, to issue a Letter of Education to the pharmacy in 2014-204; pharmacist in 2014-119; and pharmacist in charge in 2014-2013. Motion approved unanimously.

6. Administrative Warning.

Motion by James Miller, seconded by Sharon Meyer, to issue an Administrative Warning to the pharmacist in 2015-29; pharmacy in 2014-214; and Controlled Substance Registrant in 2015-8. Motion approved unanimously.

7. Draft Statement of Charges.

Motion by James Miller, seconded by Edward McKenna, to draft Statement of Charges against the pharmacy in 2015-31; pharmacy in 2015-34; pharmacy and pharmacist in charge in 2015-10; technician in 2014-205; and technician in 2014-208. Motion approved unanimously.

8. Intent to Deny.

Motion by Edward McKenna, seconded by Ladonna Gratiias, to issue Preliminary Notice of Intent to Deny License in case 2015-34. Motion approved unanimously. A copy of the Preliminary Notice of Intent to Deny License is attached as Addendum X.

9. Closed Minutes.

Motion by Susan Frey, seconded by James Miller, to approve the Closed Minutes of the February 12, 2015, teleconference meeting. Motion approved unanimously.

Assistant Attorney General Laura Steffensmeier left the room.

Closed Session

At 11:12 a.m., motion by Susan Frey, seconded by Sharon Meyer, the Board voted unanimously by roll call vote to move into closed session pursuant to Iowa Code § 21.5(1)(a) because ongoing investigations are confidential under Iowa Code § 272C.6(4).

At 11:14 a.m., James Miller moved that the Board go into open session, seconded by Edward McKenna. Motion approved unanimously.

In open session, the following action was taken:

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Motion by James Miller, seconded by LaDonna Gratias, to approve Order Denying Motion to Quash Subpoena for Walgreens Pharmacy 05721, Pharmacy License No. 355. Motion approved unanimously. A copy of the Order Denying Motion to Quash Subpoena is attached as Addendum Y.

Closed Session

At 11:15 a.m., motion by Susan Frey, seconded by James Miller, the Board voted unanimously by roll call vote to move into closed session pursuant to Iowa Code § 21.5(1)(f) to discuss the decision to be rendered in a contested case.

At 11:23 a.m., James Miller moved that the Board go into open session, seconded by LaDonna Gratias. Motion approved unanimously.

In open session, the following action was taken:

Motion by James Miller, seconded by Susan Frey, to approve the Findings of Fact, Conclusions of Law, Decision and Order for Robert Osborn, Pharmacist License No. 19079 of Rock Island, Illinois. A copy of the Findings of Fact, Conclusions of Law, Decision and Order is attached as Addendum Z.

Legislation – Senate File 453

The Board reviewed Senate File 453 a bill for an Act relating to the Board of Pharmacy, including nonresident pharmacy and outsourcing facility licensure, pharmacist supervision of pharmacy technicians, alternate board members, and enforcement authority has passed the Committee and is now in the Senate.

Administrative Hearing

Matthew Biggerstaff, D.O., CSA Registration No. 1306092 of Ankeny.

At 1:00 p.m. Margaret LaMarche, Administrative Law Judge, Department of Inspections and Appeals opened the record. Assistant Attorney General Laura Steffensmeier represented the State. Mr. Biggerstaff was represented by Michael Sellers. The hearing was conducted in the presence of the Board. The hearing was closed to the public.

At 1:10 p.m., the record was closed.

At 1:11 p.m., motion by Susan Frey, seconded by Edward McKenna, the Board voted unanimously by roll call vote to move into closed session in accordance with Iowa Code Section 21.5(1)(f) to discuss the decision to be rendered in a contested case.

At 2:00 p.m., Susan Frey moved that the Board go into open session, seconded by Edward McKenna. Motion approved unanimously.

Motion by Susan Frey, seconded by Sharon Meyer, to deny Request for Stay and direct Administrative Law Judge Margaret LaMarche to draft the Order consistent with the Board's deliberations for the Chair's signature in the Matthew Biggerstaff case. Motion passed by roll call vote. James Miller and Edward McKenna voted nay. A copy of Order Denying Motion for Stay is attached as Addendum AA.

Motion to Dismiss - Ameridose, LLC., License Nos. 3828, 3829, 6859, 6569

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Motion by James Miller, seconded by Susan Frey to dismiss. Motion approved unanimously. A copy of the Order is attached as Addendum BB.

At 3:00 p.m., the Board went to recess.

The meeting reconvened in open session on Wednesday, March 11, 2015, at 9:00 a.m.

WEDNESDAY, MARCH 11, 2015

MEMBERS PRESENT

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

STAFF PRESENT

Meghan Gavin, Esq., Assistant Attorney
General
Laura Steffensmeier, Esq., Assistant
Attorney General
Becky Hall, Secretary

MEMBERS ABSENT

Susan M. Frey
Judith M. Trumpy

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

Administrative Hearing

Bauder Pharmacy, Inc., Pharmacy License No. 222, Des Moines.

At 9:00 a.m., Margaret LaMarche, Administrative Law Judge, Department of Inspections and Appeals opened the record. Assistant Attorney General Meghan Gavin represented the State. Bauder Pharmacy was represented by Guy Cook and Adam Zenor. The hearing was conducted in the presence of the Board. The hearing was open to the public.

The Board heard testimony of witnesses and examined exhibits.


At 11:24 a.m., the record was closed.

At 11:25 a.m., motion by LaDonna Gratias, seconded by Edward McKenna, the Board voted unanimously by roll call vote to move into closed session in accordance with Iowa Code Section 21.5(1)(f) to discuss the decision to be rendered in a contested case.

At 11:55 a.m., Edward McKenna moved that the Board go into open session, seconded by James Miller. Motion approved unanimously.

Motion by James Miller, seconded by Edward McKenna, to direct Administrative Law Judge Margaret LaMarche to draft the Order consistent with the Board's deliberations in the Bauder case. Motion approved unanimously.

Motion by James Miller, seconded by Sharon Meyer, to adjourn at 11:58 a.m. on March 11, 2015.



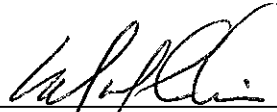
Becky Hall
Recording Secretary

March 9-11, 2015

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Therese Witkowski
Executive Officer



Edward L. Maier
Board Chair

APPROVED THIS 28th DAY OF April, 2015.