

**BEFORE THE IOWA BOARD OF PHARMACY**

|                       |   |                             |
|-----------------------|---|-----------------------------|
| Re:                   | ) | Case No. 2011-15            |
| Pharmacist License of | ) |                             |
| <b>KARLA K DWYER</b>  | ) | <b>STATEMENT OF CHARGES</b> |
| License No. 16742     | ) |                             |
| Respondent.           | ) |                             |

**COMES NOW**, the Complainant, Lloyd K. Jessen, and states:

1. He is the Executive Director for the Iowa Board of Pharmacy and files this Statement of Charges solely in his official capacity.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 155A and 272C (2011).
3. On July 30, 1986, the Board issued Karla K. Dwyer (hereinafter, "Respondent"), after examination, a license to engage in the practice of pharmacy, subject to the laws of the State of Iowa and the rules of the Board as evidenced by license number 16742.
4. Respondent's pharmacist license is current and active until June 30, 2012.
5. Respondent's address of record is 514 Lakeside Manor Drive, Kirksville, Missouri 63501.
6. Respondent was, at all times material to this statement of charges, employed outside the State of Iowa and licensed in both Iowa and Missouri.

**A. CHARGES**

**COUNT I – VIOLATING LAWS OF ANOTHER JURISDICTION**

Respondent is charged under Iowa Code §§ 155A.12(1) and 155A.12(8) (2011), and 657 Iowa Administrative Code § 36.1(4)(ad), with violating Missouri laws relating to the practice of pharmacy.

**COUNT II – FAILURE TO TIMELY REPORT DISCIPLINARY ACTION**

Respondent is charged under Iowa Code § 155A.12(1) (2011), and 657 Iowa Administrative Code § 36.1(4)(k), with failing to report to the Board the final decision and disciplinary sanction of a licensing authority in another state within thirty days of

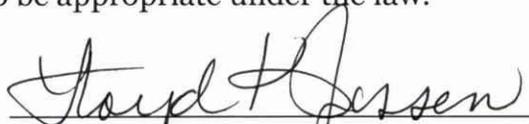
that decision.

### B. CIRCUMSTANCES

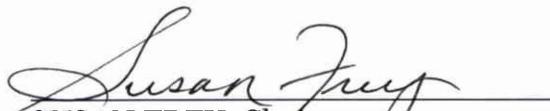
An investigation commenced on February 11, 2011 which revealed the following:

1. Respondent is licensed as a pharmacist in both the State of Iowa and the State of Missouri.
2. On January 8, 2011 Respondent signed a "Jointly Agreed Disciplinary Order" with the Missouri Board of Pharmacy, which was finalized January 19, 2011.
3. The disciplinary agreement arose from a dispensing error which occurred while Respondent was practicing in Missouri.
4. The disciplinary agreement provides for the public censure of Respondent.
5. Respondent has not given the Iowa Board of Pharmacy notice of the disciplinary action in Missouri.

WHEREFORE, the Complainant prays that a hearing be held in this matter and that the Board take such action as it may deem to be appropriate under the law.

  
LLOYD K. JESSEN  
Executive Director

On this 13<sup>th</sup> day of Sept. 2011, the Iowa Board of Pharmacy found probable cause to file this Statement of Charges and to order a hearing in this case.

  
SUSAN FREY, Chairperson  
Iowa Board of Pharmacy  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck  
Assistant Attorney General  
Hoover State Office Building  
Des Moines, Iowa

Dwyer-SOC 9-11

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| Re:                   | ) | Case No. 2011-15     |
| Pharmacist License of | ) |                      |
| <b>KARLA K. DWYER</b> | ) | <b>STIPULATION</b>   |
| License No. 16742     | ) | <b>AND</b>           |
| Respondent            | ) | <b>CONSENT ORDER</b> |

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2011), the Iowa Board of Pharmacy (hereinafter, “Board”) and Karla K. Dwyer (hereinafter, “Respondent”), enter into the following Stipulation and Consent Order settling a licensee disciplinary proceeding currently pending before the Board.

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

1. Respondent was issued a license to practice pharmacy in Iowa on July 30, 1986, following examination, as evidenced by Pharmacist License Number 16742 which is recorded in the permanent records of the Board.
2. The Iowa pharmacist license issued to and held by Respondent is active and current until June 30, 2012.
3. The Board has jurisdiction over the parties and jurisdiction over the subject matter of these proceedings.
4. Respondent was, at all times material to this Statement of Charges, employed as a pharmacist in the State of Missouri. On January 19, 2011, Respondent entered into a settlement agreement with the Missouri Board of Pharmacy, which agreement related to a dispensing error. The Missouri

agreement provided for public censure of Respondent.

5. A Statement of Charges was filed against Respondent by the Board on September 13, 2011. The Statement of Charges alleges that Respondent violated the laws of Missouri and failed to timely report this violation to the Board.

6. Respondent has chosen not to contest the allegations set forth in the Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline described herein.

7. Upon the Board's approval of this Stipulation and Consent Order, Respondent shall be assessed a civil penalty in the amount of \$500. This civil penalty shall be paid promptly after the Board's approval of this Stipulation and Consent Order, by check made payable to the Treasurer of Iowa and mailed to the executive director of the Board. All civil penalty payments shall be deposited into the State of Iowa general fund.

8. Respondent agrees to obey all federal and state laws, rules, and regulations substantially related to the operation of a wholesale drug business.

9. Should Respondent violate or fail to comply with any of the terms or conditions of this Stipulation and Consent Order, the Board may initiate action to revoke or suspend Respondent's Iowa license to operate a wholesale drug business or to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2011), and 657 Iowa Administrative Code § 36.1.

10. This Stipulation and Consent Order is the resolution of a contested case. By entering into this Stipulation and Consent Order, Respondent waives all rights

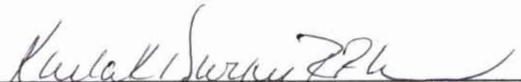
to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to this Stipulation and Consent Order.

11. The State's legal counsel may present this Stipulation and Consent Order to the Board.

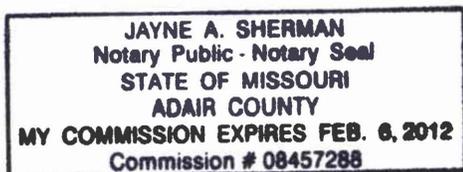
12. This Stipulation and Consent Order is subject to approval by a majority of the full Board. If the Board fails to approve this settlement, it shall be of no force or effect to either the Board or Respondent. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.

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

This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 6 day of October 2011.

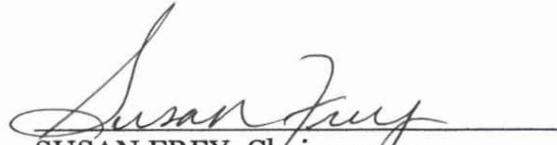
  
KARLA K. DWYER, R.Ph.  
Respondent

Subscribed and sworn to before me by Karla K. Dwyer on this 6 day of October 2011.



  
NOTARY PUBLIC IN AND FOR  
THE STATE OF MISSOURI

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on the 10<sup>th</sup> day of November 2011.

A handwritten signature in cursive script, reading "Susan Frey", written over a horizontal line.

SUSAN FREY, Chairperson  
Iowa Board of Pharmacy  
400 SW Eighth Street, Suite E  
Des Moines, Iowa 50309-4688

cc: Scott M. Galenbeck  
Assistant Attorney General  
Office of the Attorney General  
Hoover State Office Building  
Des Moines, Iowa 50319

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