

**BEFORE THE BOARD OF PHARMACY EXAMINERS  
OF THE STATE OF IOWA**

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Re:	)	<b>COMPLAINT</b>
Pharmacist License of	)	<b>AND STATEMENT</b>
<b>SAMUEL K. HENLEY, JR.</b>	)	<b>OF CHARGES</b>
License No. 14126	)	<b>AND</b>
Respondent	)	<b>NOTICE</b>
	)	<b>OF HEARING</b>

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**COMES NOW**, Lloyd K. Jessen, Executive Secretary-Director of the Iowa Board of Pharmacy Examiners, on the 5th day of October, 1993, and files this Complaint and Statement of Charges and Notice of Hearing against Samuel K. Henley, Jr., a pharmacist licensed pursuant to Iowa Code chapter 155A, and alleges that:

1. Marian L. Roberts, Chairperson; Phyllis A. Olson, Vice Chairperson; Phyllis A. Miller; Mary Pat Mitchell; Matthew C. Osterhaus; and Arlan D. Van Norman are duly appointed, qualified members of the Iowa Board of Pharmacy Examiners.
2. Respondent was issued a license to practice pharmacy in Iowa on July 11, 1972, by reciprocity.
3. Respondent was also licensed to practice pharmacy in the state of Georgia (license number 9818).
4. Respondent currently resides at 1069 Bond Street, Macon, Georgia 31201.

5. Respondent's license to practice pharmacy in Iowa was current until June 30, 1982. It is now delinquent.

6. On June 28, 1993, the Board received certified copies of an Interim Consent Order and a Final Consent Order, titled In the Matter of Samuel K. Henley, Jr., Docket No. 92-510, from the Georgia State Board of Pharmacy.

a. The Interim Consent Order dated September 23, 1992, provides, in part, the following:

...FINDINGS OF FACT:...Respondent is now in a program for treatment of his chemical dependency...ORDER:...The Respondent's license to practice as a registered pharmacist shall stand **SUSPENDED** indefinitely until further order of the Board...The Respondent agrees to complete an inpatient treatment program for chemical dependence acceptable to the Board...Upon completion of inpatient therapy, the Respondent shall complete an outpatient treatment program acceptable to the Board.

b. The Final Consent Order dated November 17, 1992, provides, in part, the following:

...FINDINGS OF FACT:....

2. In or about June, 1992, the Board was notified by Respondent that he had entered an inpatient program for treatment of chemical dependency.

3. On September 23, 1992, Respondent and the Board executed an Interim Consent Order whereby Respondent agreed to an indefinite suspension of his license to practice pharmacy until further order of the Board. Respondent agreed to continue his treatment program, to enter into an appropriate aftercare program, and to personally meet with the Board to discuss his rehabilitation prior to any reinstatement of his license.

4. On October 20, 1992, Respondent and his treatment team advocate met with the Board to discuss the course of Respondent's rehabilitation. Respondent has complied with all terms and conditions of the September 23, 1992, Interim Consent Order.

...

ORDER: The Board having considered the particular facts and circumstances of this case, it is hereby ordered, and the Respondent hereby agrees, as follows:

1. Upon the effective date of this Order, the Respondent's license to practice pharmacy in the State of Georgia shall be reinstated but such license shall be placed on probation for a period of five (5) years...

7. As evidenced in the Interim Consent Order of the Georgia State Board of Pharmacy, Respondent's license to practice pharmacy in Georgia was indefinitely suspended effective September 23, 1992. As evidenced in the Final Consent Order of the Georgia State Board of Pharmacy, Respondent's license to practice pharmacy in Georgia was reinstated and placed on probation for five years effective November 17, 1992.

8. A copy of the Georgia State Board's Final Consent Order is attached hereto as Exhibit 1 and is incorporated by reference into this Complaint and Statement of Charges and Notice of Hearing as if fully set forth herein.

9. Respondent failed to report to the Board that disciplinary action had been taken by the Georgia Board of Pharmacy against his Georgia pharmacist license number 9818.

10. Respondent is guilty of violations of 1993 Iowa Code sections 155A.12(1), 155A.12(8), 155A.12(10) by virtue of the allegations contained in paragraphs 6, 7, 8, and 9.

1993 Iowa Code section 155A.12 provides, in part, the following:

...The board may refuse to issue or renew a license or may impose a fine, issue a reprimand, or revoke, restrict, cancel, or suspend a license, and may place a licensee on probation, if the board finds that the applicant or licensee has done any of the following:

1. Violated any provision of this chapter or any rules of the board adopted under this chapter.

....

8. Violated the pharmacy or drug laws or rules of any other state of the United States while under the other state's jurisdiction.

....

10. Had a license to practice pharmacy issued by another state canceled, revoked, or suspended for conduct substantially equivalent to conduct described in subsections 1 through 9. A certified copy of the record of the state taking action as set out above shall be conclusive evidence of the action taken by such state.

11. Respondent is guilty of violations of 657 Iowa Administrative Code sections 9.1(4)(j), 9.1(4)(k), and 9.1(4)(u) by virtue of the allegations contained in paragraphs 6, 7, 8, and 9.

657 Iowa Administrative Code section 9.1(4) provides, in part, the following:

The board may impose any of the disciplinary sanctions set out in subrule 9.1(2), including civil penalties in an amount not to exceed \$25,000, when

the board determines that the licensee or registrant is guilty of the following acts or offenses:...

j. Violating a statute or law of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, which statute or law relates to the practice of pharmacy.

....

k. Failure to report a license revocation, suspension or other disciplinary action taken by another state, territory or country.

....

u. Violating any of the grounds for revocation or suspension of a license listed in Iowa Code sections 147.55, 155A.12 and 155A.15.

The Iowa Board of Pharmacy Examiners finds that paragraphs 10 and 11 constitute grounds for which Respondent's license to practice pharmacy in Iowa can be suspended or revoked.

**WHEREFORE**, the undersigned charges that Respondent has violated 1993 Iowa Code sections 155A.12(1), 155A.12(8), and 155A.12(10) and 657 Iowa Administrative Code sections 9.1(4)(j), 9.1(4)(k), and 9.1(4)(u).

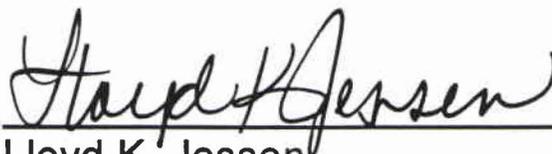
**IT IS HEREBY ORDERED**, pursuant to Iowa Code section 17A.12 and 657 Iowa Administrative Code section 1.2, that Samuel K. Henley, Jr. appear before the Iowa Board of Pharmacy Examiners on Tuesday, January 11, 1994, at 11:00 a.m., in the second floor conference room, 1209 East Court Avenue, Executive Hills West, Capitol Complex, Des Moines, Iowa.

The undersigned further asks that upon final hearing the Board enter its findings of fact and decision to suspend or revoke the license to practice pharmacy issued to Samuel K. Henley, Jr. on July 11, 1972, and take whatever additional action that they deem necessary and appropriate.

Respondent may bring counsel to the hearing, may cross-examine any witnesses, and may call witnesses of his own. If Respondent fails to appear and defend, Iowa Code section 17A.12(3) provides that the hearing may proceed and that a decision may be rendered. The failure of Respondent to appear could result in the permanent suspension or revocation of his license.

The hearing will be presided over by the Board which will be assisted by an administrative law judge from the Iowa Department of Inspections and Appeals. The office of the Attorney General is responsible for the public interest in these proceedings. Information regarding the hearing may be obtained from Theresa O'Connell Weeg, Assistant Attorney General, Hoover Building, Capitol Complex, Des Moines, Iowa 50319 (telephone 515/281-6858). Copies of all filings with the Board should also be served on counsel.

**IOWA BOARD OF PHARMACY EXAMINERS**

A handwritten signature in cursive script, appearing to read "Lloyd K. Jessen", written over a horizontal line.

Lloyd K. Jessen  
Executive Secretary/Director

**Exhibit 1**

**BEFORE THE GEORGIA STATE BOARD OF PHARMACY**

**IN THE MATTER OF:**

**SAMUEL K. HENLEY, JR.,  
License No. 9818,**

**Respondent.**

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**DOCKET NO. 92-510**

**FINAL CONSENT ORDER**

By agreement of the Georgia State Board of Pharmacy and Samuel K. Henley, Jr., Respondent, the following disposition of this matter is entered pursuant to the provisions of O.C.G.A. § 50-13-13(a)(4).

**FINDINGS OF FACT**

1.

Respondent is licensed to practice pharmacy in the State of Georgia, and was so licensed at all times relevant to this proceeding.

2.

In or about June, 1992, the Board was notified by Respondent that he had entered an inpatient program for treatment of chemical dependency.

3.

On September 23, 1992, Respondent and the Board executed an Interim Consent Order whereby Respondent agreed to an indefinite suspension of his license to practice pharmacy until further order of the Board. Respondent agreed to continue his treatment program, to enter into an appropriate aftercare program, and to personally meet with the Board to discuss his rehabilitation prior to any reinstatement of his license.

4.

On October 20, 1992, Respondent and his treatment team advocate met with the Board to discuss the course of Respondent's rehabilitation. Respondent has complied with all terms and conditions of the September 23, 1992, Interim Consent Order.

5.

The Respondent waives any further findings of fact with respect to this matter.

CONCLUSIONS OF LAW

1.

Under O.C.G.A. § 26-4-86, the Georgia State Board of Pharmacy may impose such reasonable conditions as it deems appropriate on any license issued under Part 3 of O.C.G.A. Ch. 26-4.

2.

Respondent waives any further conclusions of law with respect to this matter.

ORDER

The Board having considered the particular facts and circumstances of this case, it is hereby ordered, and the Respondent hereby agrees, as follows:

1.

Upon the effective date of this Order, the Respondent's license to practice pharmacy in the State of Georgia shall be reinstated but such license shall be placed on probation for a period of five (5) years under the following terms and conditions of probation:

(a) The Respondent agrees to continue to participate in treatment and/or an aftercare program acceptable to the Board. The Respondent shall completely abstain from the consumption of alcohol or controlled substances, except as prescribed by a duly licensed practitioner for a legitimate purpose.

(b) The Respondent agrees to undergo random alcohol/drug screening or breathalyzer analysis at his own expense at the request of the Board or its representative.

(c) The Respondent shall cause an individual in charge of his treatment/aftercare program to submit quarterly reports regarding the Respondent's progress and physical and mental condition to the Board, by March 31st, June 30th, September 30th, and December 31st of each year, including a report on any medication being prescribed to the Respondent.

(d) If Respondent is employed as a registered pharmacist, Respondent shall cause his employer to submit quarterly reports regarding Respondent's work performance to the Board, by March 31st, June 30th, September 30th, and December 31st of each year.

(e) In the event the Respondent should leave Georgia to reside or practice outside of Georgia for periods longer than thirty (30) consecutive days, the Respondent shall notify the Board in writing of the dates of departure and return. Periods of residency or practice outside of Georgia will not apply to the reduction of the Respondent's probationary period. The Respondent shall advise the Board of any change in his residence and/or office address.

(f) If the Respondent shall fail to abide by all State and Federal laws relating to drugs and regulating the practice of

pharmacy, the Rules and Regulations of the Georgia State Board of Pharmacy, or the terms of this Consent Order and probation, or if it should appear from monitoring reports submitted to the Board that the Respondent is unable to practice pharmacy with reasonable skill and safety, the Respondent's license shall be subject to revocation, upon substantiation thereof, and shall not be subject to restoration. Summary suspension of the Respondent's license, pending any such proceeding, may be ordered pursuant to the provisions of the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-18(c)(1), or any other statute authorizing such emergency action.

(g) The Georgia State Board of Pharmacy shall review and evaluate the practice of the Respondent at the end of the probationary period. It is hereby understood that after this evaluation, the Board shall have the right to restore all rights and privileges incident to the license of the Respondent, but may also extend or modify the terms of probation, if extension or modification is warranted by evidence presented to the Board.

2.

This Final Consent Order may be disseminated in the same manner as one containing a public reprimand.

3.

Approval of this Final Consent Order by the Georgia State Board of Pharmacy shall in no way be construed as a condonation of the Respondent's conduct and shall not be construed as a waiver of any of the lawful rights possessed by the Board.

4.

Respondent, Samuel K. Henley, Jr., acknowledges that he has read this Final Consent Order and that he understands its contents. Respondent understands that he has the right to a hearing in this matter, and Respondent freely, knowingly and voluntarily waives such right by entering into this Final Consent Order. Respondent understands that this Final Consent Order will not become effective until approved by the Georgia State Board of Pharmacy and docketed by the Joint Secretary. Respondent further understands and agrees that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Final Consent Order. Respondent further understands that this Final Consent Order, once approved, shall constitute a public record which may be disseminated as a disciplinary action of the Board. If this Final Consent Order is not approved, it shall not constitute an admission against interest in this proceeding, or prejudice the ability of the Board to adjudicate this matter. Respondent consents to the terms and sanctions contained herein.

Approved, this 17<sup>th</sup> day of November, 1992.

GEORGIA STATE BOARD OF PHARMACY

BY: Deborah Lane  
DEBORAH LANE, R.Ph.  
President

ATTEST: William G. Miller  
WILLIAM G. MILLER, JR.  
Joint Secretary  
State Examining Boards

(BOARD SEAL)

(Respondent's signature continued on next page)

CONSENTED TO:

*Samuel K Henley, Jr*

SAMUEL K. HENLEY, JR., R.Ph.  
Respondent

Sworn to and subscribed  
before me this 11 day  
of November, 1992;

*Barbara D Wright*

NOTARY PUBLIC

My commission expires:

***My Commission Expires March 19, 1994***

BEFORE THE BOARD OF PHARMACY EXAMINERS  
OF THE STATE OF IOWA

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Re: Pharmacist License of :  
SAMUEL K. HENLEY, JR. : **STIPULATION AND**  
License No. 14126 : **INFORMAL SETTLEMENT**  
Respondent :

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COMES NOW the Iowa Board of Pharmacy Examiners (the Board) and Samuel K. Henley, Jr., R.Ph., (Respondent) and, pursuant to Iowa Code sections 17A.10 and 272C.3(4), enter into the following Stipulation and Informal Settlement of the contested case currently on file:

1. Respondent was issued a license to practice pharmacy in Iowa on July 11, 1972, by reciprocity.

2. Respondent's pharmacist license was current until June 30, 1982. It is now delinquent.

3. Respondent's current address is 1069 Bond Street, Macon, Georgia 31201-1921.

4. A Complaint and Statement of Charges and Notice of Hearing was filed against Respondent on October 5, 1993.

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

6. Respondent does not contest the allegations set forth in the complaint and agrees that the Board may treat the allegations as true.

7. Upon approval of this Stipulation and Informal Settlement and upon Respondent's return to Iowa to practice pharmacy, Respondent's Iowa pharmacist license will be placed on probation for a period of five (5) years beginning when

the license is restored to a current and active status. Unless and until Respondent returns to Iowa to practice pharmacy, Respondent's license will not be placed on probation. If probation does occur, during the probationary period the Respondent would be required to:

a. Provide proof of compliance with all the terms and conditions of probation imposed upon his Georgia pharmacist license by the Georgia State Board of Pharmacy.

b. Continue to participate in treatment and/or an aftercare program acceptable to the Board. The Respondent shall completely abstain from the consumption of alcohol or controlled substances, except as prescribed by a duly licensed practitioner for a legitimate purpose.

c. Undergo random alcohol/drug screening or breathalyzer analysis at his own expense at the request of the Board or its representative.

d. Cause an individual in charge of his treatment/aftercare program to submit quarterly reports regarding Respondent's progress and physical and mental condition to the Board, by March 31st, June 30th, September 30th, and December 31st of each year, including a report on any medication being prescribed to the Respondent.

e. Inform the Board in writing within ten (10) days of any change of home address, place of employment, home telephone number, or work telephone number.

f. Pay all required fees for renewal of his pharmacist license to prevent the license from lapsing during

the period of probation.

g. Obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy and all federal and state criminal laws.

h. Not supervise any registered intern and shall not perform any of the duties of a preceptor.

i. Provide evidence of efforts to maintain skill and knowledge as a pharmacist through continuing education (CE) as directed by the Board.

j. Notify his employer(s) of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this document, if Respondent is employed as a licensed pharmacist. Within fifteen (15) days of Respondent undertaking pharmacy employment in Iowa, Respondent shall cause his pharmacy employer(s) to report to the Board in writing acknowledging that the employer(s) has/have read this document.

8. If Respondent is employed as a licensed pharmacist, Respondent shall cause his pharmacy employer to submit quarterly reports regarding Respondent's work performance to the Board, by March 31st, June 30th, September 30th, and December 31st of each year.

9. Should Respondent reside or practice outside of this State during probation, Respondent shall notify the Board in writing of the dates of departure and return. Periods of residency or practice outside of this State shall not apply to reduction of the probationary period.

10. Should Respondent violate probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and take whatever disciplinary action it deems necessary and appropriate. If a petition to revoke probation is filed against Licensee during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

11. Upon successful completion of probation, Respondent's certificate will be fully restored.

12. This Stipulation and Informal Settlement is subject to approval of the Board. If the Board approves this Stipulation and Informal Settlement, it becomes the final disposition of this matter. If the Board fails to approve this Stipulation and Informal Settlement, it shall be of no force or effect to either party.

13. This Informal Settlement is voluntarily submitted by the Respondent to the Board for its consideration on the 16<sup>th</sup> day of February, 1994.

Samuel K. Henley, Jr.  
SAMUEL K. HENLEY, JR.  
Respondent

Signed and sworn to before me this 16<sup>th</sup> day of Feb February, 1994.

Dina J. Waller  
NOTARY PUBLIC IN AND FOR THE  
STATE OF GEORGIA

14. This Informal Settlement is accepted by the Iowa Board of Pharmacy Examiners on the 15th day of March, 1994.



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PHYLLIS A. OLSON, Vice-Chairperson  
Iowa Board of Pharmacy Examiners