

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

Re:)
Pharmacist License of)
DONALD M. HOLCOMB) **STATEMENT OF CHARGES**
License No. 12518)
Respondent)

COMES NOW, the Complainant, Lindy A. Pearson, and states:

1. She is the Chief Investigator for the Iowa Board of Pharmacy Examiners and files this Statement of Charges solely in her official capacity.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 155A and 272C (1995).
3. On August 27, 1959, Donald M. Holcomb, the Respondent, was issued license number 12518 by the Board to engage in the practice of pharmacy, subject to the laws of the State of Iowa and the rules of the Board.
4. License number 12518 is current and active until June 30, 1996.
5. Respondent currently resides at 1927 123rd Street, Perry, Iowa 50220.
6. Respondent is currently self-employed as the owner and pharmacist in charge of Holcomb Pharmacy, Inc., 601 South First, Perry, Iowa 50220.

COUNT I

The Respondent, as pharmacist in charge of Holcomb Pharmacy, is charged under 657 Iowa Administrative Code Sections 6.6 and 10.10 with failing to provide and maintain effective security, controls, and procedures to guard against the theft and diversion of prescription drugs and controlled substances from Holcomb Pharmacy.

COUNT II

The Respondent, as pharmacist in charge of Holcomb Pharmacy, is charged under Iowa Code 124.306, 124.308(3), 124.402(1)(a), 124.403(1)(c), 155A.12(1), 155A.12(4), and 155A.12(5) (1995) and 657 Iowa Administrative Code Section 6.8 with failing to provide accountability for controlled substances and with failing to maintain controlled substance records at Holcomb Pharmacy.

COUNT III

The Respondent, as pharmacist in charge of Holcomb Pharmacy, is charged under 657 Iowa Administrative Code Section 10.13(8) with refilling prescriptions for controlled substances listed in Schedule III, IV or V more than six months after the date on which the prescriptions were issued; more than five times; and/or without prescriber authorization or proper documentation of such at Holcomb Pharmacy.

THE CIRCUMSTANCES

1. The Board has received information which alleges that Respondent, as pharmacist in charge of Holcomb Pharmacy, has failed to provide adequate security for controlled substances located in the prescription department; that Respondent is unable to provide accountability for numerous controlled substances at Holcomb Pharmacy; and that Respondent has failed to maintain controlled substance records at Holcomb Pharmacy.

2. A Schedule II controlled substance accountability audit for the time period beginning January 13, 1992, and ending May 25, 1995, based on prescription hardcopies and including all authorized refills indicated on the hardcopies, revealed a shortage of 2,404 units and an overage of 633 units at Holcomb Pharmacy.

3. A Schedule II controlled substance accountability audit for the time period beginning January 13, 1992, and ending May 25, 1995, based on computer-generated printouts prepared by Respondent revealed a shortage of 3,443 units and an overage of 758 units at Holcomb Pharmacy.

4. A Schedule III, IV, and V controlled substance accountability audit for the time period beginning January 13, 1992, and ending May 25, 1995, based on purchase records (invoices) obtained from Respondent revealed a shortage of 220,108 units and an overage of 24,441 units at Holcomb Pharmacy.

5. A Schedule III, IV, and V controlled substance accountability audit for the time period beginning January 13, 1992, and ending May 25, 1995, based on purchase records (invoices) obtained directly from Respondent's suppliers revealed a shortage of 36,965 units and an overage of 66,159 units at Holcomb Pharmacy.

6. Respondent has failed to provide accurate accountability for Schedule II, III, IV, and V controlled substances received by and dispensed from the Holcomb Pharmacy during the time period beginning January 13, 1992, and ending May 25, 1995.

7. Respondent failed to take a biennial inventory of all controlled substances at Holcomb Pharmacy on May 1, 1993, as required by state and federal law.

8. Respondent or other pharmacists at Holcomb Pharmacy dispensed numerous prescription refills for Schedule III, IV, and V controlled substances between February 23, 1993, and May 8, 1995, more than six months after the date on which the prescriptions were issued; more than five times; and/or without prescriber authorization or proper documentation of such.

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.



Lindy A. Pearson
Chief Investigator

On this 29th day of September, 1995, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.



Marian L. Roberts, Chairperson
Iowa Board of Pharmacy Examiners
1209 East Court Avenue
Des Moines, Iowa 50319

cc: **Linn** Emrich
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

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

Re: Pharmacist License of	}	
DONALD M. HOLCOMB	}	STIPULATION
License No. 12518	}	AND
Respondent	}	CONSENT ORDER
	}	
	}	

On this 19th day of March, 1996, the Iowa Board of Pharmacy Examiners and Donald M. Holcomb, R.Ph., 1927 123rd Street, Perry, Iowa, each hereby agree with the other and stipulate as follows:

The licensee disciplinary hearing pending before the Iowa Board of Pharmacy Examiners, on the allegations specified in the Statement of Charges and Notice of Hearing filed against Respondent on October 3, 1995, shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order:

1. That Respondent was issued a license to practice pharmacy on the 27th day of August, 1959, as evidenced by License Number 12518, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacist License Number 12518 issued to and currently held by Respondent is current and active until June 30, 1996.
3. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.

4. Respondent does not admit to the truth of any of the allegations set forth in the Statement of Charges. This Stipulation and Consent Order is executed as a compromise settlement of disputed claims.

SECTION I

THEREFORE, IT IS HEREBY ORDERED that Respondent shall pay a civil penalty of \$2000.00 This amount is due and payable within 30 days of the date of approval of this Stipulation and Consent Order by the Board. Respondent shall deliver a check made payable to the Treasurer of the State of Iowa to the Executive Secretary/Director of the Board. The check shall be deposited into the general fund of the State of Iowa.

SECTION II

Upon approval of this Stipulation and Consent Order by the Board, Respondent's license to practice pharmacy shall be placed on probation for a period of three (3) years. During the probationary period the Respondent shall not serve as the pharmacist in charge of any pharmacy, shall not supervise any registered intern, and shall not perform any of the duties of a preceptor. In addition, during the probationary period the Respondent shall:

1. 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.
2. Report to the Board or its designee quarterly. Said report shall be in writing. The report shall include the Respondent's place of employment, current address, and any further information deemed necessary by the Board from time to time.

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

4. Obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy and the distribution of controlled substances.

5. Notify all present and prospective employers of the resolution of this case and the terms, conditions, and restrictions imposed on Respondent by this document. Within thirty (30) days after approval of this Stipulation and Consent Order by the Board, and within fifteen (15) days of Respondent undertaking new employment, Respondent shall cause his employer to report to the Board in writing acknowledging the employer has read this document.

SECTION III

1. Should Respondent leave Iowa to reside or practice in another state, he shall notify the Board in writing fourteen (14) days prior to his departure and within fourteen (14) days of his return. Periods of residency or practice outside the State of Iowa shall not apply to reduction of the probationary period.

2. Respondent may apply for modification of the provision prohibiting Respondent from serving as a pharmacist in charge after one year of probation has been successfully completed.

3. Respondent shall fully and promptly comply with all Orders of the Board and the statutes and rules regulating the practice of pharmacy in Iowa. Any violation of the terms of this Order is grounds for further disciplinary action, upon notice and opportunity for hearing, for failure to comply with an Order of the Board, in accordance with Iowa Code section 272C.3(2)(a).

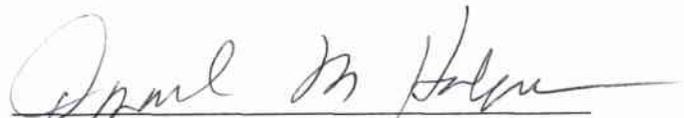
4. Should Respondent violate probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and

impose additional disciplinary sanctions, including the revocation of Respondent's license to practice pharmacy. If a petition to revoke probation is filed against Respondent 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.

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

6. This Stipulation and Consent Order is subject to approval of a majority of the full Board. If the Board approves this Stipulation and Consent Order, it becomes the final disposition of this matter. If the Board fails to approve this Stipulation and Consent Order, it shall be of no force or effect to either party.

7. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 1 day of March, 1996.

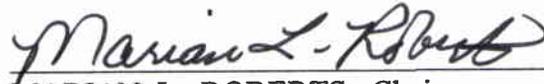

DONALD M. HOLCOMB, R.Ph.
Respondent

Subscribed and Sworn to before me on this 1st day of March, 1996.




NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

8. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 19th day of March, 1996.



MARIAN L. ROBERTS, Chairperson
Iowa Board of Pharmacy Examiners
Executive Hills West
1209 East Court Avenue
Des Moines, Iowa 50319