

**BEFORE THE IOWA BOARD OF PHARMACY**

Re:	)	Case No. 2011-167
Pharmacist License of	)	
<b>WILLIAM M. HOLLEY</b>	)	<b>STATEMENT OF CHARGES</b>
License No. 14389	)	
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 1, 1974, the Board issued William M. Holley (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 14389.
4. Respondent's pharmacist license is current and active until June 30, 2012.
5. Respondent's address of record is 704 Center Street, Rock Port, Missouri 64482.
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

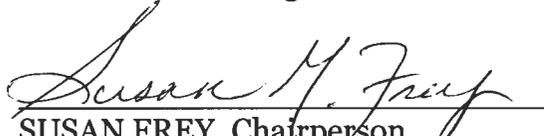
An investigation commenced on November 15, 2011, which revealed the following:

1. Respondent is licensed as a pharmacist in both the State of Iowa and the State of Missouri.
2. On September 9, 2010 Respondent signed a Settlement Agreement with the Missouri Board of Pharmacy, which was finalized September 28, 2010.
3. The disciplinary agreement arose from an incident where Respondent authorized a technician to dispense medication without a pharmacist present. At the time, Respondent was practicing in Rock Port, Missouri.
4. The disciplinary agreement provides for a public censure of Respondent.
5. Respondent did not provide the Iowa Board of Pharmacy notice of the disciplinary action in Missouri until November 14, 2011.

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 7<sup>th</sup> day of March 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

Holley-SOC 11-11

**BEFORE THE IOWA BOARD OF PHARMACY**

Re:	)	Case No. 2010-167
Pharmacist License of	)	
<b>WILLIAM M. HOLLEY</b>	)	<b>STIPULATION</b>
License No. 14389	)	<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 William M. Holley (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 1, 1974, following examination, as evidenced by Pharmacist License Number 14389 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 September 28, 2010, Respondent entered into a settlement agreement with the Missouri Board of Pharmacy, which agreement related to technicians dispensing medications

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IOWA BOARD OF PHARMACY

without a pharmacist present. The Missouri agreement provided for public censure of Respondent.

5. A Statement of Charges was filed against Respondent by the Board on March 7, 2012. 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 practice of pharmacy.

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 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 2 day of April 2012.

  
WILLIAM M. HOLLEY, R.Ph  
Respondent

Subscribed and sworn to before me by William M. Holley on this 2<sup>nd</sup> day of April 2012.

  
NOTARY PUBLIC IN AND FOR  
THE STATE OF MISSOURI

This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy on the 27<sup>th</sup> day of April 2012.

  
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SUSAN M. 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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