

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

Re:)
Pharmacist License of)
WILLIAM J. STONEBRAKER) **STATEMENT OF CHARGES**
License No. 13883)
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 (1997).
3. On June 16, 1971, William J. Stonebraker, the Respondent, was issued license number 13883 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 13883 is current and active until June 30, 1997.
5. Respondent's current mailing address is P.O. Box 551, Eldora, Iowa 50627.
6. Respondent is currently employed with Medicap Corporate at 4700 Westown Parkway, Suite 300, West Des Moines, Iowa 50266 .

COUNT I

The Respondent is charged under Iowa Code Sections 124.308(3), 124.401(1)(c)(6), 124.402(1)(a), 155A.12(1), 155A.12(2), 155A.12(4) 155A.12(5), 155A.23(2), 155A.23(4) and 205.3 (1997) and 657 Iowa Administrative Code Sections 8.5(1), 9.1(4)(b), 9.1(4)(c) 9.1(4)(h), 9.1(4)(j), 9.1(4)(u) and 10.13(8) with dispensing prescription drugs and controlled substances without prescriber authorization.

COUNT II

The Respondent is charged under Iowa Code Sections 155A.12(1) and 155A.12(5) (1997) and 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 Medicap Pharmacy.

COUNT III

The Respondent is charged under Iowa Code Sections 124.306, 124.308(3), 124.402(1)(a), 124.403(1)(c), 155A.12(1), 155A.12(4), and 155A.12(5) (1997) and 657 Iowa Administrative Code Section 6.8 with failing to provide accountability for prescription drugs and controlled substances and with failing to maintain controlled substance records at Medicap Pharmacy.

COUNT IV

The Respondent is charged under Iowa Code Sections 155A.10, 155A.12(1), 155A.12(2), 155A.12(3), and 155A.13(11) (1997) and 657 Iowa Administrative Code Sections 6.2, 6.8(10), 8.5(4), 9.1(4)(b), 9.1(4)(j), and 9.1(4)(u) with nonconformance with law.

THE CIRCUMSTANCES

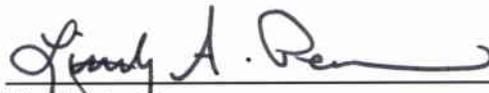
1. On October 1, 1996, a complaint was received at the board office alleging that Respondent had violated various pharmacy laws and board rules, including refilling prescriptions without authorization.

2. A survey of the pharmacy and medical records of 16 patients revealed prescription refills that were not authorized by the prescriber or exceeded the legal limit for refills. In addition, the survey revealed numerous record-keeping deficiencies.

3. An initial accountability audit of Schedule II controlled substances was conducted by the Board in February 1997 for the time period beginning January 1, 1994, and ending December 31, 1995, and revealed a shortage of 630 dosage units and an overage of 1,230 dosage units at Medicap Pharmacy.

4. A second accountability audit of Schedule II controlled substances was conducted by the Board in February 1997 for the time period beginning January 1, 1996, and ending February 13, 1996, and revealed a shortage of 780 dosage units and an overage of 236 dosage units at Medicap Pharmacy.

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 6th day of March, 1997, the Iowa Board of Pharmacy Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.



Phyllis A. Olson, Chairperson
Iowa Board of Pharmacy Examiners
Executive Hills West
1209 East Court Avenue
Des Moines, Iowa 50319

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

Re: Pharmacist License of WILLIAM J. STONEBRAKER License No. 13883 Respondent	} } } } } }	STIPULATION AND CONSENT ORDER
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On this 10th day of June, 1997, the Iowa Board of Pharmacy Examiners and William J. Stonebraker, R.Ph., of Eldora, 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 filed against Respondent on March 6, 1997, 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 16th day of June, 1971, as evidenced by License Number 13883, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa Pharmacist License Number 13883 issued to and currently held by Respondent is current and in full force until June 30, 1997.
3. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.
4. A Statement of Charges was filed against Respondent on March 6, 1997.

5. This Stipulation and Consent Order is executed as a compromise settlement of disputed claims.

6. Respondent agrees to pay a civil penalty of \$1,500.00. 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.

7. Respondent agrees to accept a citation and warning for the alleged violations set forth in the complaint.

8. Respondent also agrees to obey all federal and state laws, rules, and regulations substantially related to the practice of pharmacy and the distribution of controlled substances.

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

10. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 14th day of April, 1997.


WILLIAM J. STONEBRAKER, R.Ph.
Respondent

Subscribed and Sworn to before me on this 14th day of April, 1997.


NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA

11. This Stipulation and Consent Order is accepted by the Iowa Board of Pharmacy Examiners on the 10th day of June, 1997.



PHYLLIS A. OLSON, Chairperson
Iowa Board of Pharmacy Examiners
Executive Hills West
1209 East Court Avenue
Des Moines, Iowa 50319