

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

Re: Pharmacist License of	}	COMPLAINT AND
H. WILLIAM WAGLEY	}	STATEMENT
License No. 17376	}	OF CHARGES
Respondent	}	AND
	}	NOTICE OF HEARING

COMES NOW, Lloyd K. Jessen, Executive Secretary/Director of the Iowa Board of Pharmacy Examiners, on the 12th day of October, 1994, and files this Complaint and Statement of Charges and Notice of Hearing against H. William Wagley, a pharmacist licensed pursuant to Iowa Code chapter 155A., and alleges that:

1. Marian L. Roberts, Chairperson; Phyllis A. Olson, Vice Chairperson; Jay J. Cayner; 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 February 20, 1990, by examination.
3. Respondent was also licensed to practice pharmacy in the state of Illinois (license number 051-39217).
4. Respondent's license to practice pharmacy in Iowa is active and current until June 30, 1995.
5. Respondent currently resides at 837 Francine Drive, Bartlett, Illinois 60103. Respondent is currently engaged in the practice of pharmacy in Illinois.
6. On April 28, 1994, the Board received a letter from Respondent. The letter notified the Board that Respondent appeared at a disciplinary conference before the Illinois State Board of Pharmacy on Wednesday, April 13, 1994, for a substance abuse problem and diversion of controlled substances for personal use.

7. On July 25, 1994, the Board received a copy of a Consent Order, titled Department of Professional Regulation of the State of Illinois v. H. W. Wagley. The Consent Order dated June 9, 1994, provides, in part, the following:

Respondent's Pharmacist license shall be placed on Probation for a period of five (5) years.

8. As evidenced in the Consent Order of the Illinois Department of Professional Regulation, Respondent's license to practice pharmacy in Illinois was disciplined effective June 9, 1994. As evidenced in the Consent Order of the Illinois Department of Professional Regulation, Respondent's license to practice pharmacy in Illinois was placed on probation for a period of five (5) years ending June 9, 1999.

9. A copy of the Illinois 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.

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) 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.

....

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 disciplined.

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) 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 H. William Wagley appear before the Iowa Board of Pharmacy Examiners on Wednesday, November 16, 1994, at 1:00 p.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 discipline the license to practice pharmacy issued to H. William Wagley on February 20, 1990, 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, including disciplinary action, may be rendered.

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 representation of the public interest in these proceedings. Information regarding the hearing may be obtained from Linny C. Emrich, Assistant Attorney General, Hoover Building, Capitol Complex, Des Moines, Iowa 50319 (telephone 515/281-3658). Copies of all filings with the Board should also be served on counsel.

IOWA BOARD OF PHARMACY EXAMINERS



Lloyd K. Jessen
Executive Secretary/Director

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BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

IOWA PHARMACY EXAMINERS

Re: Pharmacist License of :
H. WILLIAM WAGLEY : **STIPULATION AND**
License No. 17376 : **INFORMAL SETTLEMENT**
Respondent :

COMES NOW the Iowa Board of Pharmacy Examiners (the Board) and H. William Wagley, 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 February 20, 1990, by examination.

2. Respondent's license to practice pharmacy in Iowa is active and current until June 30, 1995.

3. Respondent's current address is 837 Francine Drive, Bartlett, Illinois 60103.

4. A Complaint and Statement of Charges and Notice of Hearing was filed against Respondent on October 12, 1994.

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 prior completion of Respondent's probation in the state of Illinois, Respondent's Iowa pharmacist license will

be placed on probation for a period of time not greater than the time remaining on the Illinois probationary period. 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 Illinois pharmacist license by the Illinois State Board of Pharmacy, Department of Professional Regulation.

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.

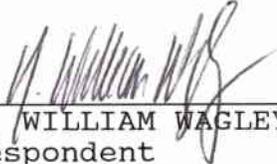
Periods of residency or practice outside of this State shall not apply to reduction of the probationary period.

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.

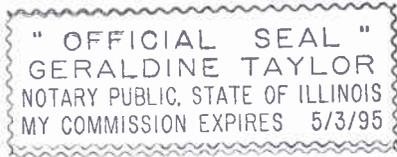
12. This Stipulation and Informal Settlement is subject to approval of the Board. If the Board approves this Stipulation and Informal Settlement, it becomes the final disposition of this matter. If the Board fails to approve this Stipulation and Informal Settlement, it shall be of no force or effect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

13. This Informal Settlement is voluntarily submitted by the Respondent to the Board for its consideration on the 31 day of October, 1994.



H. WILLIAM WAGLEY
Respondent

Signed and sworn to before me this 31 day of October, 1994.



Geraldine Taylor
NOTARY PUBLIC IN AND FOR THE
STATE OF ILLINOIS

14. This Informal Settlement is accepted by the Iowa Board of Pharmacy Examiners on the 16 day of November, 1994.

Marian L. Roberts
MARIAN L. ROBERTS, Chairperson
Iowa Board of Pharmacy Examiners