

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	Case No. 2013-49
Pharmacy Technician Registration of)	
VANCE ALLEN WHEELER)	STATEMENT OF CHARGES
Registration No. 18474,)	& NOTICE OF HEARING
Respondent.)	

COMES NOW the Iowa Board of Pharmacy (Board) and files this Notice of Hearing and Statement of Charges pursuant to Iowa Code sections 17A.12(2) and 17A.18(3). Respondent was issued Iowa pharmacy technician registration number 18474. Respondent's registration expired and was not renewed on April 30, 2013.

A. TIME, PLACE, AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on November 5, 2013, before the Iowa Board of Pharmacy. The hearing shall be held during the morning session, beginning at 9 a.m. and shall be located in the Board conference room located at 400 S.W. 8th Street, Des Moines, Iowa.

Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge from the Department of Inspections and Appeals make initial rulings on prehearing matters, and be present to assist and advise the board at hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 657 Iowa Administrative Code rule 35.19. At hearing you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally or be represented by counsel at your own expense. The hearing may be open to the public or closed to the public at your discretion.

Prosecution. The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address.

Meghan Gavin
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor Hoover State Office Building
Des Moines, Iowa 50319.

Ms. Gavin can also be reached by phone at (515)281-6736 or e-mail at Meghan.Gavin@iowa.gov.

Communications. You may contact the Board office (515)281-5944 with questions regarding this notice and other matters relating to these disciplinary proceedings. However, you may NOT contact individual members of the Board to discuss these proceedings by phone, letter, facsimile, email, or in person. Board members can only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You may also direct questions relating to settlement of these proceedings to Assistance Attorney General Meghan Gavin at (515)281-6736.

B. LEGAL AUTHORITY AND JURISDICTION

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 155A, and 272C (2011).

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 148C, and 272C (2011) and 657 Iowa Administrative Code chapter 36.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 657 Iowa Administrative Code rule 35.21.

C. CHARGES

Count I

FAILURE TO NOTIFY THE BOARD ABOUT A CHANGE IN EMPLOYMENT STATUS

Respondent is charged with violating a Board rule by not reporting a change in his employment status to the Board within ten days in violation Iowa Code sections 155A.6A(5) and 657 Iowa Administrative Code rules 3.13 and 36.1(4)(i).

D. FACTUAL CIRCUMSTANCES

1. On March 18, 2013, the Board was informed that the Respondent was terminated from his position as a pharmacy technician at the Wal-Mart Pharmacy in Fort Dodge, Iowa.
2. Respondent was terminated for "gross misconduct" after the Respondent was arrested and found guilty for non-prescription theft at another retailer.
3. The Respondent failed to inform the Board of his termination from Wal-Mart Pharmacy.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 657 Iowa Administrative Code rule 36.3. If you are interested in pursuing settlement of this matter, please contact Assistant Attorney General Meghan Gavin.

F. PROBABLE CAUSE FINDING

On this 28th day of August, 2013, the Iowa Board of Pharmacy found probable cause to file this Notice of Hearing and Statement of Charges.



EDWARD MAIER, Chairperson
Iowa Board of Pharmacy
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Meghan Gavin
Assistant Attorney General
Hoover State Office Building
Des Moines, Iowa

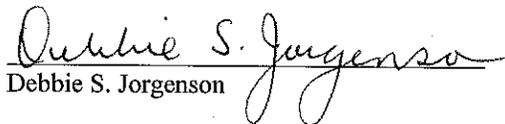
PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon Respondent to the above cause by:

- | | |
|--|---|
| <input type="checkbox"/> personal service | <input type="checkbox"/> first class mail |
| <input checked="" type="checkbox"/> certified mail, return receipt requested | <input type="checkbox"/> facsimile |
| Article Number <u>9171999991703104136780</u> | <input type="checkbox"/> other _____ |

on the 29th day of August, 2013.

I declare that the statements above are true to the best of my information, knowledge and belief.


Debbie S. Jorgenson

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	CASE NO. 2013-49
Technician Registration of)	
)	SETTLEMENT AGREEMENT AND
VANCE ALLEN WHEELER)	FINAL ORDER
Registration No. 18474)	
Respondent.)	

Pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (2013), the Iowa Board of Pharmacy (“Board”) and Vance Allen Wheeler (“Respondent”) enter into the following Settlement Agreement to settle a disciplinary proceeding currently pending before the Board.

The 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. The Board has jurisdiction over the parties and the subject matter of these proceedings.
2. Respondent was issued Pharmacy Technician Registration No. 18474 on May 7, 2012.
3. Iowa Pharmacy Technician Registration Number 18474 expired on April 30, 2013.
4. Respondent failed to complete national certification prior to the expiration of his technician trainee registration.
5. Respondent does not dispute that permitting his registration to expire resulted in the Board administratively cancelling his registration.
6. Respondent has ceased practice as a pharmacy technician.
7. A Statement of Charges was filed against Respondent on August 28, 2013.
8. Respondent has chosen not to contest the allegations in the Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for discipline.
9. Upon the Board’s approval of this Settlement Agreement and Final Order, Respondent is hereby CITED for failing to notify the Board of his change of employment and WARNED that, should Respondent obtain a license or registration governed by the Board in the future, Respondent’s failure to comply with the laws governing the practice of pharmacy could result in further discipline.
10. Respondent agrees not to engage in any aspect of the practice of a pharmacy technician unless he receives a new registration.
11. This Settlement Agreement is the resolution of a contested case. By entering into this Settlement Agreement, Respondent waives all rights to a contested case hearing on the

allegations contained in the Statement of Charges, and waives any objections to this Final Order.

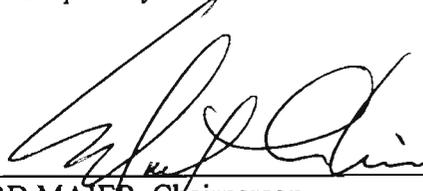
12. Respondent is freely and voluntarily entering into this Settlement Agreement.
13. Respondent acknowledges that he has a right to be represented by counsel on this matter.
14. The State's legal counsel may present this Settlement Agreement to the Board *ex parte*.
15. This Settlement Agreement is subject to approval by a majority of the full Board. If the Board fails to approve this Settlement Agreement, it shall be of no force or effect to either the Board or Respondent. If the Board approves this Settlement Agreement, it shall be the full and final resolution of this matter.
16. This Settlement Agreement, when fully executed, is a public record and is available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.
17. The Board's approval of this Settlement Agreement shall constitute a FINAL ORDER of the Board.

This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 17 day of October, 2013.



VANCE ALLEN WHEELER, Pharmacy Technician
Respondent

This Settlement Agreement and Final Order is accepted by the Iowa Board of Pharmacy on the 5th day of November, 2013.



EDWARD MAIER, Chairperson
Iowa Board of Pharmacy
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

cc: Laura Cathelyn
Assistant Attorney General
Hoover Building, 2nd Floor
Des Moines, IA 50319

Vance Allen Wheeler
613 11th Street
Manson, IA 50563