

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

Re:)
Pharmacy License of)
WILLIAMS DRUG CO., INC.) **STATEMENT OF CHARGES**
License No. 225)
Wade A. Johnson,)
Pharmacist in charge,)
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. General pharmacy license number 225, issued in the name of Williams Drug Company, Inc., with Wade A. Johnson as pharmacist in charge, was renewed on December 22, 1994, and is current until December 31, 1995.
4. Respondent currently operates a general pharmacy at 611 Second Street, Webster City, Iowa 50595.

COUNT I

The Respondent is charged under Iowa Code Section 155A.15(2)(i) (1995) 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.

COUNT II

The Respondent is charged under Iowa Code Sections 155A.15(2)(c), 155A.15(2)(d), 155A.15(2)(h), 124.308(3), 124.402(1)(a), and 124.403(1)(c) (1995) with failing to provide accountability for certain prescription drugs and controlled substances.

THE CIRCUMSTANCES

1. The Board has received information which alleges that Respondent has failed to provide adequate security for prescription drugs and controlled substances located in the prescription department and that Respondent is unable to provide accountability for Soma® (Carisoprodol) and certain controlled substances.

2. Michael J. Williams has been licensed as a pharmacist and has been employed by Respondent during the time in question. Michael J. Williams has admitted to the Board, in writing, that he has obtained an unspecified amount of Soma® (Carisoprodol) and Acetaminophen with Codeine 30mg tablets, a Schedule III controlled substance, from Respondent without prescriber authorization since about October 1994. Michael J. Williams has been on probation with the Board since April 30, 1992, for a chemical dependency problem.

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
Executive Hills West
1209 East Court Avenue
Des Moines, Iowa 50319

cc: Linny 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: Pharmacy License of	}	
WILLIAMS DRUG CO., INC.	}	STIPULATION
License No. 225	}	AND
Wade A. Johnson,	}	CONSENT ORDER
Pharmacist in charge,	}	
Respondent	}	

On this 19th day of March, 1996, the Iowa Board of Pharmacy Examiners and Williams Drug Company, Inc., 611 Second Street, Webster City, 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 operate a pharmacy on the 20th day of December, 1995, as evidenced by General Pharmacy License Number 225, which is recorded in the permanent records of the Iowa Board of Pharmacy Examiners.
2. That Iowa General Pharmacy License Number 225 issued to and currently held by Respondent is current and in full force until December 31, 1996.
3. That the Iowa Board of Pharmacy Examiners has jurisdiction over the parties and the subject matter herein.
4. A Statement of Charges and Notice of Hearing was filed against Respondent on October 3, 1995.

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

SECTION I

THEREFORE, IT IS HEREBY ORDERED that Iowa General Pharmacy License Number 225 issued to Respondent is placed on probation until December 31, 1997. During the probationary period the Respondent shall:

1. Maintain a perpetual inventory of all Schedule II, III, and IV controlled substances.

2. Complete monthly physical inventories of all Schedule II, III, and IV controlled substances. The physical inventory shall be reconciled to the perpetual inventory. Respondent shall submit verified inventory reports and accountings, signed and verified by the pharmacist in charge or another pharmacist, every six months beginning 30 days after the date of approval of this Stipulation and Consent Order by the Board.

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

SECTION II

1. For the duration of its license, Respondent shall not allow Michael J. Williams to function or serve as a pharmacy technician, pharmacy assistant, or pharmacy clerk in the prescription department of Williams Drug Company, Inc., but may allow him to be physically present in Williams Drug Company, Inc., for the purposes specified in his written job description, in accordance with the written security policy of Williams Drug Company, Inc. The written job description for Michael J. Williams and the written

security policy of Williams Drug Company, Inc., are attached and incorporated by reference into this Stipulation and Consent Order as if fully set forth herein.

2. Respondent shall submit to random unannounced visits to or inspections by the Board or agents of the Board to verify compliance with this Order.

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 this agreement in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may take additional disciplinary action.

5. 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. If the Board approves this Stipulation and Consent Order, it shall be the full and final resolution of this matter.

7. This Stipulation and Consent Order is voluntarily submitted by Respondent to the Board for its consideration on the 18th day of March, 1996.

W.A. Johnson
WILLIAMS DRUG COMPANY, INC.
Wade A. Johnson, R.Ph.,
Pharmacist in charge,
Respondent

Subscribed and Sworn to before me on this 18th day of March, 1996.



Richard Lloyd Karr
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 19 day of March, 1996.

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