

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

* * * * *

IN THE MATTER OF THE :
COMPLAINT AND STATEMENT :
OF CHARGES AGAINST :
MICHAEL J. WILLIAMS : O R D E R
PHARMACIST :
RESPONDENT :

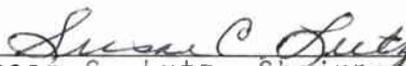
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Now on this 1st day of August, 1980, the above entitled having been filed with the Iowa Board of Pharmacy Examiners on July 29, 1980, and having been reviewed by the Board and being fully advised on the matter, FINDS:

1. That the Respondent is licensed by the Board of Pharmacy Examiners and that the license and certificate to practice pharmacy in the state of Iowa, heretofore issued to Michael J. Williams on the 14th day of September, 1971, as evidenced by certificate no. 13945, which is recorded in Book 2 at Page 50 of the records of the Board.
2. That the Board of Pharmacy Examiners has jurisdiction over the Respondent for the purpose of disciplinary action involving his license.
3. That allegations of violations over which the Board has jurisdiction have been made against Respondent which violations, if found to be true, could result in disciplinary action by the Board against the Respondent.
4. That the Respondent has signed an agreement in response to a proposal of disciplinary action presented by a member of the Board which is accepted as a stipulation between the Respondent and the Iowa Board of Pharmacy Examiners providing for an order of suspension. The order of suspension hereinafter issued shall be subject to the following terms and conditions in all matters pertaining to the suspension of Respondent's license to practice pharmacy in this state.

THEREFORE, IT IS HEREBY ORDERED, that the license and certificate to practice pharmacy in the state of Iowa, heretofore issued to the Respondent Michael J. Williams, be, and the same is hereby, suspended for a period of one year beginning on July 1, 1980, and ending on July 1, 1981, subject to the following conditions:

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- a. That the respondent demonstrate to the Board that he is no longer addicted to the use of drugs and has totally abstained from the use of drugs that are not prescribed by a medical practitioner for his case. Such demonstration shall be in the form of quarterly reports, commencing on September 1, 1980, and ending on June 1, 1981, from a psychiatrist attesting to his drug free state. Such quarterly reports shall be filed with the Executive Secretary of the Board with the cost of the psychiatric evaluations and reports to be born by the Respondent.
 - b. That Respondent completes a course of drug rehabilitation at some recognized institution and that a statement attesting to such completion and to Respondent's ability to refrain from the use of drugs be provided to the Board.
 - c. That upon full compliance with the terms and conditions herein set forth and upon expiration of the term of suspension herein fixed, Respondent's license shall be restored, provided, however, that in the event the Respondent violates or fails to comply with any of the terms and conditions of this order of suspension, the state Board of Pharmacy Examiners, upon receipt of satisfactory evidence thereof, may forthwith terminate this order and direct that a hearing be conducted to show cause why further disciplinary action should not be taken.


Susan C. Lutz, Chairperson
Iowa Board of Pharmacy Examiners
217 Jewett Building
Des Moines, Iowa 50319

5. It is the understanding of both the Licensee and the Board that they will enter into an Order and Consent to Order which will provide for the suspension of Michael J. Williams' license to practice pharmacy for a period of one year beginning on October 1, 1983, and ending on October 1, 1984, during which time he will not participate in the profession nor function as a pharmacist. It is further understood that the licensee will be placed on probation for a period of four years from the expiration of the suspension. During the period of suspension, Licensee, at his own expense, shall submit to monthly urine drug analysis with reports of those urine drug analyses being submitted to the Board office. During the first year of the probation period, Licensee shall submit quarterly progress reports, including urine drug analysis, with such reports signed by his Alcoholic Anonymous sponsor; such quarterly reports to begin with the quarter ending on December 31, 1984, and continuing through the quarter ending on September 30, 1985. It is also understood that Licensee will continue his aftercare program and will participate in the Iowa Pharmacists Association "Pharmacists Aiding Pharmacists in Iowa" (PAP'I) program to the fullest extent possible.

THE ABOVE AND FOREGOING CONSTITUTES THE FULL AND COMPLETE STIPULATION AND AGREEMENT OF THE PARTIES HERETO.

Date April 18, 1984



Michael J. Williams, Licensee

Date April 13, 1984



Robert E. Bellinger, Chairman
Iowa Board of Pharmacy Examiners

Pharmacists in Iowa" (PAP'I) program to the fullest extent possible.

Date April 13, 1984

Robert E. Bellinger
Robert E. Bellinger, Chairman
Iowa Board of Pharmacy Examiners

C O N S E N T T O O R D E R

I, Michael J. Williams, hereby consent to the Order set forth above, waive my right of confrontation, cross-examination of witnesses, making of record and judicial review.

Date April 18, 1984

Michael J. Williams
Michael J. Williams

BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

In the Matter of the Complaint	:	
and Statement of Charges Against	:	COMPLAINT AND
MICHAEL J. WILLIAMS	:	STATEMENT OF CHARGES
Respondent	:	

COMES NOW, Norman C. Johnson, Executive Secretary of the Iowa Board of Pharmacy Examiners, on the 11th day of February, 1987, and files this Complaint and Statement of Charges against Michael J. Williams, a pharmacist licensed pursuant to Iowa Code Chapter 155, and alleges that:

1. Margo L. Underwood, Chairperson; Rollin C. Bridge, Vice Chairperson; Jerry M. Hartleip; John F. Rode; Melba L. Scaglione; Alan M. Shepley; and Gale W. Stapp, are duly appointed, qualified members of the Iowa Board of Pharmacy Examiners.
2. Respondent is a resident of Webster City, Iowa, and was issued license 13945 to practice pharmacy in Iowa on September 14, 1971.
3. Respondent's license to practice pharmacy expires on June 30, 1987.
4. Respondent is employed as a staff pharmacist at Williams Drug Company, 611 2nd Street, Webster City, Iowa.
5. Respondent's license to practice pharmacy in Iowa was suspended for one year, July 1, 1980, to July 1, 1981, pursuant to an informal settlement with the Board.
6. Respondent's license to practice pharmacy in Iowa was suspended for one year, October 1, 1983, to October 1, 1984, pursuant to an informal settlement with the Board.
7. Respondent has been under the purview and care of Pharmacists Aiding Pharmacists in Iowa (PAP'I), a peer review body of the Board, since October 1, 1983.
8. Respondent was admitted to a chemical dependency treatment program because of a recurring chemical dependency problem on September 23, 1986. He was discharged from that program as a day outpatient on November 11, 1986.
9. Effective January 13, 1987, PAP'I officials have notified the Board that they have ceased providing overview and care to Respondent because their program can be of little further benefit to him.

10. Respondent is guilty of violations of Rule §620--10.1(4)"d" by virtue of the allegations in paragraphs 5, 6, 7, 8, and 9.

10.1(4)"d" reads as follows:

10.1(4) The board may impose any of the disciplinary sanctions set out in subrule 10.1(2), including civil penalties in an amount not to exceed \$1000.00, when the board determines that the licensee or registrant is guilty of the following acts or offenses:

d. Habitual intoxication or addiction to the use of drugs. Habitual intoxication or addiction to the use of drugs includes, but is not limited to:

(1) The inability of a pharmacist to practice pharmacy with reasonable skill and safety by reason of the excessive use of alcohol on a continuing basis.

(2) The excessive use of drugs which may impair a pharmacist's ability to practice pharmacy with reasonable skill or safety.

11. Paragraph 10 constitutes grounds for which Respondent's license to practice pharmacy in the State of Iowa can be suspended or revoked.

WHEREFORE, the undersigned charges that Michael J. Williams has violated Rule 10.1(4)"d" of the Iowa Administrative Code.

IT IS HEREBY ORDERED that Michael J. Williams appear before the Iowa Board of Pharmacy Examiners on April 7, 1987, at 10:00 a.m. in the second floor conference room, 1209 East Court, Executive Hill West, Des Moines, Iowa.

The undersigned further asks that upon final hearing, the Board enter its Findings of Fact and Decision to suspend or revoke the license to practice pharmacy issued to Michael J. Williams on the 14th day of September 1971, or take whatever additional steps they deem necessary.

IOWA BOARD OF PHARMACY EXAMINERS


Norman C. Johnson
Executive Secretary

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

In the Matter of :
MICHAEL J. WILLIAMS, Pharmacist : STIPULATION
License No. 13945 :

WHEREAS, Michael J. Williams, hereinafter referred to as the Licensee, has had certain allegations made against him by the Board of Pharmacy Examiners, hereinafter referred to as the Board, concerning his professional conduct as a pharmacist, and

WHEREAS, the Licensee admits to the allegations and charges filed against him, and

WHEREAS, both the Licensee and the Board desire to arrive at a mutually agreeable informal settlement of this matter,

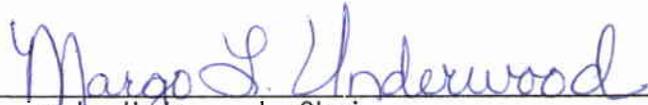
IT IS MUTUALLY AGREED AND STIPULATED as follows between the Licensee and the Board:

1. That the Board and the Licensee have entered into settlement discussions and have agreed upon a disposition of this matter.
2. That the Licensee desires to avoid the uncertainty and the expense of a trial and desires to consent to the disciplinary action to be taken by the Board as specified in paragraph 4, infra.
3. It is the purpose and intent of the parties hereto to waive all the provisions of Chapter 17A of the 1987 Code of Iowa as they relate to notice and hearing on the matter of revocation or suspension of Licensee's license to be a pharmacist, and to acknowledge that each are fully aware of their rights and procedures afforded them through Chapter 17A of the 1987 Code of Iowa and the rules of the Board of Pharmacy Examiners promulgated in accordance and pursuant thereto, particularly Section 17A.12 as it relates to contested cases and provides notice of hearing and records, and Section 17A.18, as it relates to the requirements concerning notice of the suspension and revocation of licenses.
4. It is the understanding of both the Licensee and the Board that they will enter into an Order and Consent to Order which will provide the following:
 - a. Licensee's license to practice pharmacy in Iowa is suspended for five years beginning April 30, 1987, and ending April 30, 1992.
 - b. Licensee is placed on five years probation following the suspension--April 30, 1992, to April 30, 1997.

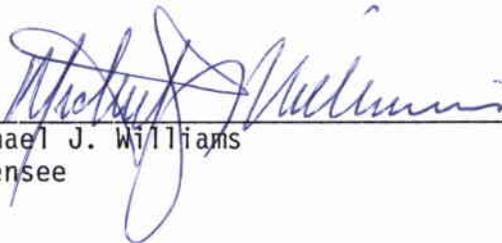
- c. Licensee is to continue with the aftercare program at Trinity Regional Hospital in Ft. Dodge, Iowa, including attendance at weekly meetings until November 1987. During this period, Licensee shall cause the submission of quarterly reports to be submitted to the Board office by his treatment counselor. These quarterly reports shall document attendance at the weekly meetings and shall be submitted on May 1, 1987; August 1, 1987; and November 1, 1987. The report to be submitted on November 1, 1987, shall include recommendations from Licensee's counselor as to whether weekly attendance at aftercare meetings should be continued.
- d. Licensee shall attend a minimum of one Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) meeting per week during the period of suspension.
- e. Licensee shall submit to random monthly body fluid testing during the first year of license suspension. During the second through fifth years of the suspension, Licensee shall submit to random quarterly body fluid testing. Such testing shall be done at the direction of the Trinity Regional Hospital program with the cost to be paid by Licensee.
- f. Licensee shall submit monthly progress reports on all phases of his aftercare program including attendance at AA/NA meetings during the first year of license suspension. During the second through fifth years of the suspension and during the entire five years of probation, the progress reports shall be submitted quarterly.
- g. Licensee shall not function, work, or be physically present in the pharmacy department of any licensed pharmacy during the period of his license suspension.
- h. Licensee shall consume no alcohol nor shall he consume, ingest, or otherwise use any prescription drugs unless those drugs are provided pursuant to a lawful order of a person legally authorized to issue such order.
- i. Licensee shall obey all federal and state laws and regulations substantially related to the practice of pharmacy.
- j. Licensee shall submit to peer review as deemed necessary by the Board.
- k. Licensee shall provide evidence of efforts to maintain skill and knowledge as a pharmacist as directed by the Board.
- l. Licensee shall notify all present and prospective employers of the terms, conditions, and restrictions imposed on Licensee by this agreement. Within 30 days of the effective date of this decision, and within 15 days of Licensee undertaking new employment, Licensee shall cause his employer to report to the Board in writing acknowledging that the employer has read the conditions of this agreement.

- m. Licensee shall not supervise any registered intern and shall not perform any of the duties of a preceptor.
- n. Should Licensee leave Iowa to reside or practice outside this state, Licensee must notify the Board in writing of the dates of departure and return. Periods of residency or practice outside the state shall not apply to reduction of the probationary period.
- o. Should Licensee violate probation in any respect, the Board, after giving Licensee notice and an opportunity to be heard, may revoke probation. 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.
- p. Upon successful completion of probation, Licensee's certificate will be fully restored.

THE ABOVE AND FOREGOING CONSTITUTE THE FULL AND COMPLETE STIPULATION AND AGREEMENT OF THE PARTIES HERETO.



Margo L. Underwood, Chairperson
Iowa Board of Pharmacy Examiners



Michael J. Williams
Licensee

BEFORE THE BOARD OF PHARMACY EXAMINERS
OF THE STATE OF IOWA

In the Matter of :
MICHAEL J. WILLIAMS, Pharmacist : ORDER AND CONSENT TO ORDER
License No. 13945 :

The Iowa Board of Pharmacy Examiners, having been advised of the allegations that Michael J. Williams has conducted himself in a manner which could cause his license to practice pharmacy to be suspended or otherwise disciplined, and the Board of Pharmacy Examiners through a Board Member and said Michael J. Williams having entered into a Stipulation representing their mutual informed consent as to the waiver of the provisions found in Section 17A.12 and Section 17A.18, Code of Iowa 1987, in regards to notice and hearing, the parties to this action agree to an informal settlement of this matter, namely that the license of Michael J. Williams to practice pharmacy in Iowa will be suspended according to the conditions attached hereto.

ORDER

IT IS THEREFORE ORDERED, subject to Michael J. Williams' consent to be contained herein to this Order that the license of Michael J. Williams to practice pharmacy in Iowa be suspended according to the conditions outlined in the Stipulation attached hereto and made part of this Order.

Date April 13, 1987

Margo L. Underwood
Margo L. Underwood, Chairperson
Iowa Board of Pharmacy Examiners

CONSENT TO ORDER

I, Michael J. Williams, hereby consent to the Order set forth above, waive my right to a hearing on this matter, and thereby specifically waive a right to confrontation, cross-examination of witnesses, production of evidence, making of a record, and judicial review.

Date 4-25-87

Michael J. Williams
Michael J. Williams, Licensee

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

Re:)
Pharmacist License of)
MICHAEL J. WILLIAMS) **STATEMENT OF CHARGES**
License No. 13945)
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. On September 14, 1971, Michael J. Williams, the Respondent, was issued license number 13945 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 13945 is current and active until June 30, 1997.

5. Respondent currently resides at 1319 Locust, Webster City, Iowa 50595.

6. Respondent is currently employed at Williams Drug Company, Inc., 611 Second Street, Webster City, Iowa 50595.

7. Respondent's license to practice pharmacy was previously disciplined by the Board in 1980, 1984, and 1987. Respondent has had a recurring chemical dependency problem.

In the 1987 disciplinary action, Respondent and the Board reached an informal settlement on April 25, 1987, in which Respondent's license was suspended for five years beginning April 30, 1987. Following completion of the five-year suspension, Respondent was placed on probation with conditions for five years beginning April 30, 1992.

COUNT I

The Respondent is charged with violating the terms of his probation as set forth in subparagraphs (4)(h) and (4)(i) of Respondent's Stipulation and Consent Order approved by the Board on April 13, 1987, by excessively using alcohol; by consuming, ingesting, or otherwise using prescription drugs and controlled substances without the lawful order of a person legally authorized to prescribe; and by failing to obey all federal and state laws and regulations substantially related to the practice of pharmacy.

COUNT II

The Respondent is charged under Iowa Code Sections 155A.12(1), 155A.12(5), 155A.23(1)(a), 124.308(3), 124.402(1)(a), and 124.403(1)(c) (1995) with obtaining a prescription drug by misrepresentation, fraud, forgery, deception, or subterfuge.

COUNT III

The Respondent is charged with the inability to practice pharmacy with reasonable skill and safety by reason of his excessive use of alcohol and his unauthorized use of drugs, in violation of 657 Iowa Administrative Code Sections 9.1(4)(c), 9.1(4)(d), 9.1(4)(h), 9.1(4)(j), 9.1(4)(m), and 9.1(4)(u).

THE CIRCUMSTANCES

1. On September 29, 1995, the Board received information which alleged that the Respondent was excessively using alcohol and obtaining and consuming prescription drugs including Soma® (Carisoprodol) and Acetaminophen with Codeine 30mg tablets, a Schedule III controlled substance, without prescriber authorization. It was also alleged that Respondent's continued use of alcohol and drugs has impaired his ability to practice pharmacy with reasonable skill and safety.

2. The Board has also received information which alleges the following:

a. Williams Drug of Webster City, Iowa, has discovered significant shortages of Soma® (Carisoprodol) and certain controlled substances. Respondent has been licensed as a pharmacist and has been employed by

Williams Drug during the time in question. Furthermore, Respondent 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 Williams Drug without prescriber authorization since about October 1994.

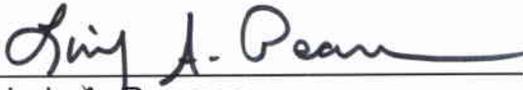
b. Respondent has filed false progress reports with the Board on the following dates: November 30, 1994; February 23, 1995; May 31, 1995; and August 31, 1995. In each written report Respondent stated that he had complied with the stipulations of his probation as outlined by the Board in 1987.

3. On or about September 10, 1995, Respondent's physician obtained a urine specimen from Respondent. This specimen was analyzed by a clinical laboratory. The laboratory analysis detected the presence of controlled substances in Respondent's urine.

4. On or about September 22, 1995, and at other times during the past year, Respondent has allegedly experienced recurring chemical dependency problems.

5. Respondent has excessively used alcohol; has consumed, ingested, or otherwise used prescription drugs and controlled substances without the lawful order of a person legally authorized to prescribe; and has failed to obey all federal and state laws and regulations substantially related to the practice of pharmacy during his probation as required by subparagraphs (4)(h) and (4)(i) of Respondent's Stipulation and Consent Order approved by the Board on April 13, 1987.

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:)	
Pharmacist License of)	ORDER
MICHAEL J. WILLIAMS)	ACCEPTING
License No. 13945)	SURRENDER OF LICENSE
Respondent)	TO PRACTICE PHARMACY

COMES NOW, Marian L. Roberts, Chairperson of the Iowa Board of Pharmacy Examiners, on the 14th day of November, 1995, and declares that:

1. On October 3, 1995, the Board issued a Statement of Charges and Notice of Hearing to the Respondent.

2. On November 13, 1995, Respondent executed a voluntary surrender of his pharmacist license number 13945 pursuant to 657 Iowa Administrative Code § 9.25. In so doing, Respondent waived his right to a formal hearing before the Iowa Board of Pharmacy Examiners.

3. On November 14, 1995, the Board reviewed Respondent's voluntary surrender of his license to practice pharmacy and agreed to accept it.

WHEREFORE, it is hereby ordered that Respondent's voluntary surrender of his Iowa pharmacist license number 13945 is hereby accepted and, pursuant to 657 Iowa Administrative Code § 9.25, said surrender shall be considered a revocation of license with respect to any future request for reinstatement.

IOWA BOARD OF PHARMACY EXAMINERS



Marian L. Roberts, Chairperson

V O L U N T A R Y S U R R E N D E R O F
L I C E N S E T O P R A C T I C E P H A R M A C Y

I, Michael J. Williams, of 1319 Locust, Webster City, Iowa, of my own free will and without any mental reservation and not as a result of any inducement, promise, or threat on the part of anyone, do hereby voluntarily surrender my license to practice pharmacy in the State of Iowa, number 13945, to the Iowa Board of Pharmacy Examiners, for an indefinite period of time. This surrender of license shall become effective upon the notarized signature of the licensee, Michael J. Williams, being affixed to this voluntary surrender document.

I, Michael J. Williams, of my own free will and without any mental reservation and not as the result of any inducement, promise, or threat given or made by any representative, officer, or employee of the Iowa Board of Pharmacy Examiners, or of any other state official, do hereby further acknowledge that by voluntarily signing this surrender statement that I am knowingly and willingly giving up the exercise of the following legal rights:

- (1) My right to a formal hearing before the Iowa Board of Pharmacy Examiners on the matter of my continued licensure pursuant to Chapter 155A, Code of Iowa 1995.
- (2) My right to be represented by an attorney in preparation for and during such formal hearing before the Iowa Board of Pharmacy Examiners.
- (3) My right to submit evidence and to have witnesses called on my own behalf at such formal hearing.
- (4) My right to be represented by an attorney in this matter at this time.

I, Michael J. Williams, do hereby acknowledge that pursuant to 657 Iowa Administrative Code section 9.25, a license to practice pharmacy which has been voluntarily surrendered shall be considered a revocation of license with respect to a request for reinstatement, which will be handled under the terms established by 657 Iowa Administrative Code section 9.23, which provides as follows:

Any person whose license to practice pharmacy...has been revoked...must meet the following eligibility requirements:

1. Must have satisfied all the terms of the order of revocation or suspension or court proceedings as they apply to that revocation or suspension. If the order of revocation or suspension did not establish terms and conditions upon which reinstatement might occur, or if the license or permit was voluntarily surrendered, an initial application for reinstatement may not be made until one year has elapsed from the date of the board's order or the date of voluntary surrender.

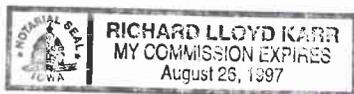
2. A person whose license to practice pharmacy was revoked must successfully pass NABPLEX or an equivalent examination as determined by NABP, the Federal Drug Law Examination (FDLE), and the Iowa Drug Law Examination.
3. All proceedings for reinstatement shall be initiated by the respondent who shall file with the board an application for reinstatement of the license. Such application shall be docketed in the original case in which the license was revoked, suspended, or relinquished. All proceedings upon petition for reinstatement, including all matters preliminary and ancillary thereto, shall be subject to the same rules of procedure as other cases before the board. The board and the respondent may informally settle the issue of reinstatement. The respondent may choose to have an informal reinstatement conference before the board, as provided in rule 657-9.24(17A,147,155A,204B,258A).
4. An application for reinstatement shall allege facts which, if established, will be sufficient to enable the board to determine that the basis for the revocation or suspension no longer exists and that it will be in the public interest for the license or permit to be reinstated. The burden of proof to establish such facts shall be on the respondent.
5. An order for reinstatement shall be based upon a decision which incorporates findings of facts and conclusions of law and must be based upon the affirmative vote of a quorum of the board. This order shall be available to the public as provided in 657-Chapter 14.

I, Michael J. Williams, hereby further acknowledge that I shall not engage in any of the practices or aspects thereof of the practice of pharmacy in the State of Iowa for which such a license is required.

11-13-95
Date of Signature

Michael J. Williams
Michael J. Williams

Subscribed and Sworn to before me on this 13th day of November, 1995.



Richard Lloyd Karr
NOTARY PUBLIC IN AND FOR THE
STATE OF IOWA