



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

**Department of Commerce, Community,
and Economic Development**

DIVISION OF CORPORATIONS, BUSINESS AND
PROFESSIONAL LICENSING

550 West Seventh Avenue, Suite 1500
Anchorage, Alaska 99501-3567
Main: 907.269.8160
Text phone: 907.465.5437
Programs fax: 907.269.8156

**CERTIFIED 7012 2920 0001 8308 0533
RETURN RECEIPT REQUESTED**

August 2, 2013

Stefanie Stewart
Carrs Safeway Pharmacy Administrator
5600 Debarr Road Suite 100
Anchorage, AK 99504

RE: Case No. 2013-000090

Dear Ms. Stewart:

This letter shall serve as formal notice to you that the Alaska Board of Pharmacy, during its July 23, 2013 meeting, adopted the Consent Agreement presented to the Board by members of the staff from the Division of Corporations, Business and Professional Licensing. A copy of the adopted agreement is enclosed.

Should you have any questions regarding this matter, please do not hesitate to contact me at the address and telephone number listed above.

Sincerely,


Quinten D. Warren,
Chief Investigator

Enclosure

cc: All PHA Board Members
Don Habeger, Director
✓ Sara Chambers, Operations Manager (Original)
Donna Burns, Licensing Examiner
Office of Administrative Hearings
CBPL, Paralegal
Alvin Kennedy, Investigator
Litigation File: 2013-000090

QDW:kbm

1 STATE OF ALASKA
2 DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
3 DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
4 BEFORE THE BOARD OF PHARMACY

5
6 In the Matter of:)
7)
8 Stefanie A. Stewart)
9)
10 Respondent)
11 _____)
Case No. 2013-000090

12 CONSENT AGREEMENT

13
14 IT IS HEREBY AGREED by the Department of Commerce, Community and Economic
15 Development, Division of Corporations, Business and Professional Licensing (Division) and
16 Stefanie A. Stewart (Respondent) as follows:

- 17 1) **Licensure.** Respondent is currently licensed as a Pharmacy Technician in the State of Alaska
18 and holds License number #70. This license was first issued on July 1, 1988 and will lapse
19 unless renewed by June 30, 2014.
20 2) **Admission/Jurisdiction.** Respondent admits and agrees that the Board of Pharmacy (Board)
21 has jurisdiction over the subject matter of her license in Alaska and over this Consent
22 Agreement.

23 **Admission/Facts.**

- 24 a) Respondent is Stefanie Stewart who is a Pharmacy Tech and is the Assistant to the
25 Regional Pharmacy Manager for Carr's/Safeway Alaska.
26 b) On February 28, 2012, the Division received a complaint against the Pharmacist-In-
27 Charge (PIC) for Carr's/Safeway (Huffman).
28 c) An initial investigation was conducted on March 8, 2012. Senior Investigator Winton
29 and Investigator Kennedy interviewed the PIC, and after learning that the PIC was
30 fraudulently filling prescriptions for himself, Investigator's Winton and Kennedy
31 responded to Respondent's office where she and the Regional Manager was briefed on
32 the investigation for Diversion of Scheduled narcotics. Respondent acknowledged the
33 information provided to her at that time with no response.

- 1 d) On March 13, 2012 interviews were conducted with the complainants. The
2 complainants advised that, on four occasions starting back in December 2011 they had
3 reported the PIC's drug diversion to the Respondent and the Regional Manager.
- 4 e) On March 15, 2012, subsequent investigation revealed that the PIC had fraudulently
5 written and filled ninety-one prescriptions; twenty-one of said prescriptions were for
6 controlled substances.
- 7 f) On March 21, 2012, Investigator Kennedy conducted a follow-up interview.
8 Respondent was asked why at the original meeting on March 8, she did not provide
9 information concerning the reports made to her concerning the PIC diverting drugs for
10 his own use. Respondent stated that she did not want to taint the investigation being
11 conducted and wanted investigations to find the information out independent of them.
12 Lastly after discussing the number of pills involved, Stewart stated that Engberson had
13 rights and that they have not found him to be impaired when they spoke with him.
- 14 g) 45 CFR 164.512(f)(1)(C)(1)(2) and (3) are the HIPAA exception for providing
15 information for investigative purposes and Respondent has previously cooperated with
16 investigations conducted by this Division.
- 17 h) AS 08.80.261.(a)(12) states:
18 Failed to report relevant information to the board about a pharmacist or pharmacy intern
19 that the applicant or licensee knew or suspected was incapable of engaging in the
20 practice of pharmacy with reasonable skill, competence, and safety to the public.
- 21 Respondent admits that as a result of the above facts, grounds exist for possible denial of her
22 license pursuant to AS 08.01.075 and AS 08.80.261 (a)(6) and AS 08.80.261 (a)(7) and
23 8.80.261 (b) and 12 AAC 52.920 (15).
- 24 1) **Formal Hearing Process.** It is the intent of the parties to this Consent Agreement to provide
25 for the compromise and settlement of all issues that could be raised by an Accusation to
26 revoke, suspend, or impose disciplinary sanctions against Respondent's license through a
27 formal hearing process.
- 28 2) **Waiver of Rights.** Respondent understands she has the right to consult with an attorney of
29 her own choosing and has a right to an administrative hearing on the facts in this case.
30 Respondent understands and agrees that by signing this Consent Agreement, Respondent is
31 waiving her rights to counsel and to a hearing. Further, Respondent understands and agrees

1 that she is relieving the Division of any burden it has of proving the facts admitted above.
2 Respondent further understands and agrees that by signing this Consent Agreement she is
3 voluntarily and knowingly giving up her right to present oral and documentary evidence, to
4 present rebuttal evidence, to cross-examine witnesses against Respondent, and to appeal the
5 Board's decision to Superior Court.

6 3) **Effect of Nonacceptance of Consent Agreement.** Respondent and the Division agree that
7 this Consent Agreement is subject to the approval of the Board. They agree that, if the Board
8 rejects this Consent Agreement, it will be void, and an Accusation may be filed. If this
9 Consent Agreement is rejected by the Board, it will not constitute a waiver of Respondent's
10 right to a hearing on the matters alleged in an Accusation and the admissions contained herein
11 will have no effect. Respondent agrees that, if the Board rejects this Consent Agreement, the
12 Board may decide the matter after a hearing, and its consideration of this Consent Agreement
13 shall not alone be grounds for claiming that the Board is biased against Respondent, that it
14 cannot fairly decide the case, or that it has received ex parte communication.

15 4) **Consent Agreement, Decision, and Order.** Respondent agrees that the Board has the
16 authority to enter into this Consent Agreement and to issue the following Decision and Order.

17 **PROPOSED DECISION AND ORDER**

18
19 IT IS HEREBY ORDERED that the license issued to Respondent shall be subject to the following
20 terms and conditions:

21 **A. Violation of Agreement**

22 If Respondent fails to comply with any term or condition of this Consent Agreement, the
23 Division may enforce this agreement by immediately suspending Respondent's license, without
24 an additional order from the Board or without a prior hearing, for a violation of this agreement.
25 In addition, any suspended portion of the civil fine will be immediately due.

26 If Respondent's license is suspended under this paragraph, as provided above, she will be
27 entitled to a hearing, on an expedited basis, regarding the issue of the suspension. If
28 Respondent's license is suspended, she will continue to be responsible for all certification
29 requirements pursuant to AS 08.80.

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B. Good Faith

All parties agree to act in good faith in carrying out the stated intentions of this Consent Agreement.

C. Civil Fine

Respondent shall pay a fine of **five hundred dollars with two hundred fifty suspended (\$500.00/\$250.00)** in cash, certified check, or money order payable to the **“State of Alaska”** within 150 days.

All payments required by this Consent Agreement shall be addressed to:

Quinten Warren, Chief Investigator
Division of Corporations, Business and Professional Licensing
550 West 7th Avenue, Suite 1500
Anchorage, Alaska 99501-3567

D. Compliance with Laws

Respondent shall obey all federal, state and local laws, all statutes and regulations governing her license, and remain in full compliance with any conditions ordered by another licensing jurisdiction.

E. Address of the Board

All required reports or other communication concerning compliance with this Consent Agreement shall be addressed to:

Attn: Probation Monitor
Division of Corporations, Business and Professional Licensing
550 West 7th Avenue, Suite 1500
Anchorage, Alaska 99501-3567
907-269-8026 Fax (907) 269-8195

It is the responsibility of Respondent to keep the Board agent advised in writing at all times of her current mailing address, physical address, telephone number, current employment, and any change in employment related to the Board of Pharmacy.

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F. Reprimand

It is hereby ordered that a public reprimand be issued against Pharmacy Technician, Stefanie A. Stewart, for failing to report relevant information to the board about a pharmacist or pharmacy intern that the applicant or licensee knew or suspected was incapable of engaging in the practice of pharmacy with reasonable skill, competence, and safety to the public.

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IT IS HEREBY FURTHER ORDERED that this Adopted Decision and Order shall take effect immediately upon its adoption by the Board and is a public record of the Board and the State of Alaska. The state may provide a copy of it to any person or entity.

DATED this 17th day of JULY, 2013 at ANCHORAGE, Alaska.

SUSAN BELL, COMMISSIONER

By: [Signature]
Quinten Warren, Chief Investigator for
Don Habeger, Director
Division of Corporations, Business and
Professional Licensing

QW

I, Stefanie A. Stewart, have read the Consent Agreement, understand it, and agree to be bound by its terms and conditions.

DATED: 7/10/13 [Signature: Stefanie A. Stewart]

SUBSCRIBED AND SWORN TO before me this 10th day of July, 2013, at Anchorage, Alaska.

SEAL

[Signature: Theresa R. Carpenter]
Notary Public in and for Alaska.

State of Alaska
NOTARY PUBLIC
THERESA R. CARPENTER
My Commission expires: 3/21/2017

[Signature: Theresa R. Carpenter]
Notary Printed Name
My commission expires: 3/21/2017

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STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
BEFORE THE BOARD OF PHARMACY

In the Matter of:)
)
Stefanie A. Stewart)
)
Respondent)
Case No. 2013-000090

ORDER

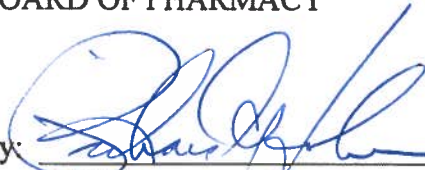
The BOARD OF PHARMACY for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case No. 2013-000090, Stefanie A. Stewart, Pharmacy Technician, License #70, adopted the Consent Agreement and Decision and Order in this matter.

This Consent Agreement takes effect immediately upon signature of this Order in accordance with the approval of the BOARD OF PHARMACY.

The Division may enforce the Consent Agreement by immediately suspending Respondent's license, without an additional order from the BOARD OF PHARMACY or without a prior hearing, for a violation of the Consent Agreement.

DATED this 23rd day of July, 2013, at
North Pole, Alaska.

BOARD OF PHARMACY

By: 
Richard Holm, Chairperson