

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:)
)
MICHAEL JONES,)
Respondent) Case No. 2013-001222
_____)

CONSENT AGREEMENT, DECISION AND ORDER

IT IS HEREBY AGREED by the Department of Commerce, Community and Economic Development, Division of Corporations, Business and Professional Licensing (Division), and Michael Jones (Jones) as follows:

1. **Licensure.** Jones holds Alaska Pharmacist Technician's License Number 1931 which was first issued to him on April 21, 2006, and which will expire on June 30, 2016, unless renewed.
2. **Admission/Jurisdiction.** Jones admits and agrees that the Board of Pharmacy (Board) for the State of Alaska has jurisdiction over the subject matter of his license in Alaska and over the agreement.
3. **Facts.** Jones admits the following facts:
 - a. To renew his Alaska pharmacist technician's license for the July 1, 2012 - June 30, 2014 (2012-2014) licensing period, AS 08.80.165 and 12 AAC 52.300(c) require Jones to submit documentation that he has met all continuing education requirements under 12 AAC 52.325 *et seq.* These requirements include the completion of 10 contact hours of acceptable continuing education during the concluding license period (July 1, 2010 to June 30, 2012).
 - b. As part of the 2012-2014 Biennial Pharmacist Technician's License Renewal application, Jones indicated he met the continuing education requirements in 12 AAC 52.325 *et seq.* during the license period from July 1, 2010 through June 30, 2012.
 - c. On the renewal application, Jones certified by his signature dated June 10, 2012 the information furnished in the license renewal application was true and correct. Jones's Alaska pharmacist technician's license was renewed in reliance upon the information in that application.
 - d. Under 12 AAC 52.350(a), Jones's renewal application was among the group randomly selected for audit to monitor compliance with the continuing education requirements of 12 AAC 52. Following the renewal of his license, Jones was instructed to provide proof of completion of the contact hours claimed on the renewal application.
 - e. In response to the audit, Jones submitted documentation of 6 contact hours of continuing education completed between July 1, 2010 – June 30, 2012 that meet the requirements of 12 AAC 52.325 *et seq.*, as shown in Appendix A.
 - f. In addition, Jones submitted documentation showing completion of 4 contact hours of continuing education, as shown in Appendix B. However, these hours were completed after

1 the concluding licensing period, and cannot be used to satisfy the terms of his audit without
2 entering into an agreement with the Board.

- 3 g. Jones explains he completed 10 contact hours of continuing education during the concluding
4 licensing period. However, he states he has been unable to retrieve documentation of four of
5 these hours because of a computer virus that damaged his records and rendered the account
6 maintained with the continuing education provider used to obtain these hours unusable and
7 further eliminated his ability to retrieve information from that account.
- 8 h. Jones admits he lacks 4 contact hours of acceptable continuing education completed between
9 July 1, 2010 – June 30, 2012 to meet the continuing education requirements to lawfully renew
10 his Alaska pharmacist technician's license for the 2012-2014 licensing period.
- 11 i. Jones acknowledges as an Alaska-licensed pharmacist technician, it is his responsibility to be
12 continually aware of all laws and regulations pertaining to the practice of a pharmacist
13 technician in Alaska. Jones further acknowledges his individual responsibility as an Alaska-
14 licensed pharmacist technician to obtain the minimum number of credit hours of continuing
15 education that meet the requirements of 12 AAC 52.325 *et seq.* required to renew his license
16 during the concluding license period and to maintain evidence of compliance with the
17 continuing education requirement, under 12 AAC 52.325 *et seq.*
- 18 j. Jones admits that as a result of the above facts, grounds exist for the possible revocation,
19 suspension, and imposition of other disciplinary sanctions to his Alaska pharmacist
20 technician's license pursuant to AS 08.01.075, AS 08.80.261, and 12 AAC 52.350(d).

21 **4. Formal Hearing Process.** It is the intent of the parties to the Consent Agreement to provide for
22 the compromise and settlement of all issues which could be raised by an Accusation to revoke,
23 suspend, or impose disciplinary sanctions against the license through a formal hearing process.

24 **5. Waiver of Rights.** Jones agrees he has the right to consult with an attorney of his own
25 choosing and that he has a right to an administrative hearing on the facts in the case. Jones
understands and agrees that by signing the Consent Agreement, he is waiving his rights to a
hearing. Further, Jones understands and agrees that he is relieving the Division of any burden it
has of proving the above facts. Jones further understands and agrees that by signing the Consent
Agreement, he is voluntarily and knowingly giving up his right to present oral and
documentary evidence, to present rebuttal evidence, to cross-examine witnesses against him, and to
appeal the Board's decision to Superior Court.

6. Effect of Nonacceptance of Agreement. Jones and the Division agree that the Consent
Agreement is subject to the approval of the Board. They agree that if the Board rejects the
agreement, it will be void and an accusation may be filed. If the agreement is rejected by the Board,
it will not constitute a waiver of Jones' right to a hearing on matters alleged in an accusation and
any admissions contained herein will have no effect. Jones agrees if the Board rejects the
agreement, the Board may decide the matter after a hearing, and its consideration of the agreement
alone shall not be grounds for claiming the Board is biased against him, that it cannot fairly decide
the case, or that it has received ex parte communication.

7. Consent Agreement, Decision and Order. Jones agrees that the Board has the authority to
enter into the Consent Agreement and to issue the following Decision and Order. Jones and the
Division agree that the Board may adopt the proposed Decision and Order in its entirety, or may
reduce the proposed penalty and adopt the balance of the proposed decision.

1 **DECISION AND ORDER**

2 **IT IS HEREBY ORDERED** that for his failure to comply with the continuing education
3 requirements of 12 AAC 52, as indicated on his 2010-2012 license renewal application, Jones
4 shall:

- 5 1) Be assessed a civil fine of **\$2,500.00** with **\$2,400.00** of that amount suspended subject to his
6 compliance with the all of the terms and conditions of the agreement, as described in section **A**
7 below. A violation of the agreement will result in the reinstatement of the suspended portion
8 of the fine under the conditions described in paragraph **F** of the agreement; and
- 9 2) Satisfy the continuing education requirements under 12 AAC 52 to renew the license for the
10 2012-2014 licensing period in accordance with the terms of the agreement, as described in
11 section **B** below; and
- 12 3) Receive a reprimand from the Board as described in section **C** below; and
- 13 4) Comply with the terms of a mandatory audit of compliance with the continuing education
14 requirements for the next two periods that the license is subject to renewal, as described in
15 section **D** below. Satisfactory documentation to verify Jones' compliance with the
16 continuing education requirements must be received prior to the processing of his renewal
17 application.

18 **A. Civil Fine**

19 Jones shall pay the unsuspended portion of the civil fine in the amount of **\$100.00 within
20 90 days** of the date the agreement is adopted by the Board. The civil fine shall be paid in
21 the form of a cashier's check, personal check, or money order made payable to the State of
22 Alaska.

23 Payment of the civil fine will be sent to the attention of Charles Ward, Paralegal,
24 Department of Commerce, Community and Economic Development, Division of
25 Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-
0806.

Nonpayment of the fine in accordance with these terms will constitute a violation of the
agreement and will result in the reinstatement of any suspended amount in accordance with
paragraph **F** of the agreement, and shall result in the automatic suspension of Jones' Alaska
pharmacist technician's license.

B. Compliance with the Continuing Education Requirement

Jones has provided documentation to verifying his completion of 6 contact hours of
continuing education completed between July 1, 2010 and June 30, 2012 as shown in
Appendix A.

With this agreement, Jones provides 4 contact hours of continuing education completed
after June 30, 2012, as shown in Appendix B.

With this agreement, the Board agrees to accept the 4 contact hours of continuing education
completed after June 30, 2012 as if they had been submitted in a timely manner.

1 Any continuing education contact hours used to satisfy the requirement **may not be**
2 **applied as hours to fulfill the continuing education requirement of any subsequent**
3 **renewal period of the license.**

4 **C. Reprimand**

5 The Board of Pharmacy issues Jones this reprimand for his failure to complete the
6 continuing education portion of the license renewal application accurately.

7 To renew the license for the 2012-2014 licensing period, AS 08.80.165 and 12 AAC
8 52.325(a) require Jones to complete 10 contact hours of continuing education in programs
9 approved under 12 AAC 52.340 during the concluding license period. On his renewal
10 application, Jones certified his compliance with the continuing education requirements in
11 12 AAC 52.

12 Subsequent to the renewal of the license, Jones was informed his license renewal
13 application was among the group randomly selected for audit to monitor compliance with
14 the continuing education requirements. Jones was requested to provide documentation to
15 verify completion of the continuing education indicated on his renewal application. In
16 response to the audit, Jones admits that he was unable to verify his completion of the
17 minimum number of acceptable continuing education contact hours required under AS
18 08.80 and 12 AAC 52 for the renewal of the license.

19 The Board issues the renewal of these licenses in advance of requiring an applicant to
20 provide documentation to verify completion of the reported continuing education contact
21 hours based upon the applicant's affirmative certification that the requirement has been
22 met. The Board expects each Alaska-licensed pharmacist's technician to be aware of all
23 laws and regulations pertaining to the practice of pharmacy in Alaska and relies upon each
24 applicant's honesty and integrity to respond to the question on the renewal application
25 accurately.

Jones is hereby reprimanded for his inaccurate response on the renewal application and his
failure to verify completion of the minimum number of continuing education contact hours
in approved programs during the concluding license period as indicated on his 2012-2014
license renewal application.

D. Mandatory Audit of Compliance with the Continuing Education Requirement

Jones' renewal application for his Alaska pharmacist technician's license will be subject
to a mandatory audit for the following two renewal periods to ensure compliance with the
continuing education requirements under AS 08.80 and 12 AAC 52.

It is understood and agreed Jones's renewal application for the next two license periods will
not be processed until documentation to verify Jones's successful completion of the
required continuing education has been received and accepted by the Board or its agent (the
Division).

Documentation of continuing education submitted for the mandatory audit is subject to
Board approval. It is understood that the Board may disallow contact hours accepted by the
division to process the renewal of the license. In accordance with 12 AAC 52.350(c), Jones
agrees to complete any such disallowed contact hours in an approved program and report
the completion to the board **within 90 days** of the date the board sends notification of the
disallowed contact hours.

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If Jones decides not to apply for renewal of the license during one or both of the renewal periods referenced above, then the terms of the Consent Agreement will remain in effect until such time as the license has been renewed, subject to audit, for two renewal periods.

Jones understands compliance with the mandatory audit must be made in advance of processing his license renewal. Jones accepts responsibility to provide the documentation and understands that he will receive no additional notice with the license renewal applications.

E. Compliance with Laws

Jones will obey all laws pertaining to his Alaska pharmacist technician’s license and the practice of pharmacy in Alaska and any such violation which occurs during the period that the agreement is in effect will constitute a violation of the agreement.

F. Violation of Agreement

Should Jones fail to comply with any term or condition of the agreement, then the suspended portion of the civil fine will be reinstated, in addition to any other applicable fines or penalties authorized by law.

If a suspended portion of the civil fine is reinstated under this paragraph, then payment is immediately due and must be paid in the form of a cashier’s check or money order payable to the State of Alaska and sent to the address of the board. The nonpayment of any such reinstated amount shall be grounds for the denial of the renewal of the license.

Further, it is agreed that the violation of the agreement shall result in the automatic suspension of Jones’s Alaska pharmacist technician’s license. If his license is automatically suspended under the paragraph, he shall be entitled to an administrative hearing regarding the issue of the suspension in accordance with AS 44.62.

In the event Jones’s license lapses for nonrenewal while in a suspended status, the license will be considered “lapsed while under suspension” and to reinstate the license:

- 1) all terms of the Consent Agreement must be satisfied; and
- 2) all requirements pursuant to AS 08.80 and 12 AAC 52 to reinstate a lapsed pharmacist technician’s license must be met.

Jones agrees that failure to comply with a request by the Board or its agent to allow review of Jones’s compliance with the conditions of the Consent Agreement shall be deemed a violation of the terms of the agreement.

G. Address of the Board

All communication concerning the Consent Agreement should be addressed to:
Charles Ward, Paralegal
Department of Commerce, Community and Economic Development
Alaska Division of Corporations, Business and Professional Licensing
P.O. Box 110806
Juneau, AK 99811-0806

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It is the responsibility of the licensee to keep the Board's agent advised in writing of any changes of his current mailing address, current physical address, and telephone number. Failure to do so will be considered a violation of the agreement and shall constitute grounds for automatic suspension of his license in accordance with paragraph F above.

H. Good Faith

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


THE AGREEMENT 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 the agreement to any person, professional licensing board, federal, state, or local government agency, or other entity making a relevant inquiry. The disciplinary action taken by the Board in the agreement will be reported to the National Association of Boards of Pharmacy (NABP), U.S. Department of Health and Human Services/Healthcare Integrity and Protection Data Bank (HIPDB) and any other entity as may be required by law.

1 **ACCEPTANCE OF AGREEMENT**

2 I, Michael Jones am hereby entering into the Consent Agreement voluntarily and of my own free will. I
3 declare that I am not under the influence of any medication, drugs or other substances that would affect
4 my ability to consider the action clearly and rationally. I further declare that there have been no promises
5 or threats made to me by anyone to compel me to sign the document. I have read the Consent Agreement
6 in its entirety and understand its contents and agree to be bound by its terms and conditions.

7 DATED: 7/15/14 
8 Michael Jones

9 SUBSCRIBED AND SWORN TO before me the 15th day of July, 20 14, at
10 Anchorage, Alaska.

11 
12 Notary Public in and for Alaska
13 My Commission Expires: July 18, 2017

14 On behalf of the State of Alaska, Department of Commerce, Community and Economic Development, the
15 undersigned, having read the Consent Agreement in its entirety, approves the terms and conditions of the
16 agreement subject to its adoption by order of the Board of Pharmacy.

17 DATED the _____ day of _____, 20_____, at Juneau, Alaska.

18 SUSAN BELL, COMMISSIONER
19 Department of Commerce, Community and
20 Economic Development

21 By: _____
22 Sara Chambers, Director
23 Division of Corporations, Business and
24 Professional Licensing

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 In the matter of:)
6)
7 MICHAEL JONES,)
8 Respondent)

Case No. 2013-001222

9 ORDER

10 The Board of Pharmacy, for the State of Alaska, having examined the Consent Agreement and proposed
11 Decision and Order in the matter of MICHAEL JONES, Case No. 2013-001222, hereby adopts the Consent
12 Agreement and Decision and Order in the matter , effective immediately.

13 DATED the 7th day of AUGUST, 2014, at ANCHORAGE, Alaska.

14 BOARD OF PHARMACY

15
16
17 By: 

18 Chairperson

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Appendix A: Continuing education completed between 7/1/10 and 6/30/12

Date	Course	Provider	Total hours
6/7/12	Prescription Errors and Their Legal Consequences: Best Practices for Prevention	Power-Pak C.E.	2
6/7/12	Update on Federal Controlled Substance Dispensing Regulations	Power-Pak C.E.	2
6/7/12	Pharmacy Technician's Role in Ensuring Proper dispensing of Controlled Substances in a Community Pharmacy Setting	Power-Pak C.E.	2

Appendix B: Continuing education completed after 6/30/12

Date	Course	Provider	Total hours
7/1/14	Storage and Handling of Temperature-Sensitive Medications	Power-Pak C.E.	2
7/1/14	Controlled Substance Scheduled Drugs: A Pharmacy Technician's Review	Power-Pak C.E.	2

RECEIVED
JUL 15 2014
PHARMACY