

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:)
)
WILLIAM MCCORMICK,)
Respondent)

Case No. 2013-002246

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 William McCormick (McCormick) as follows:

1. **Licensure.** McCormick holds Alaska Pharmacist License Number 1827 which was first issued to him on November 14, 2008, and which will expire on June 30, 2014, unless renewed.
2. **Admission/Jurisdiction.** McCormick 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 this agreement.
3. **Facts.** McCormick admits the following facts:
 - a. To renew his Alaska pharmacist license for the July 1, 2012 - June 30, 2014 (2012-2014) licensing period, AS 08.80.165 and 12 AAC 52.300(c) require McCormick to submit documentation that he has met all continuing education requirements under 12 AAC 52.320-12 AAC 52.350. These requirements include the completion of 30 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 License Renewal application, McCormick indicated he met the continuing education requirements in 12 AAC 52.320 – 12 AAC 52.350 during the license period from July 1, 2010 through June 30, 2012.
 - c. On the renewal application, McCormick certified by his signature dated June 12, 2012 that the information furnished in the license renewal application is true and correct. McCormick's Alaska pharmacist license was renewed in reliance upon the information in that application.
 - d. Under 12 AAC 52.350(a), McCormick'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, McCormick was instructed to provide proof of completion of the contact hours claimed on the renewal application.
 - e. In response to the audit, McCormick submitted documentation of 27.5 contact hours of continuing education completed between July 1, 2010 – June 30, 2012 that meet the requirements of 12 AAC 52.340.

- 1 f. McCormick admits that he lacks 2.5 contact hours of acceptable continuing education completed
2 between July 1, 2010 – June 30, 2012 to meet the continuing education requirements to lawfully
3 renew his Alaska pharmacist license for the 2012-2014 licensing period.
- 4 g. McCormick acknowledges that as an Alaska-licensed pharmacist, it is his responsibility to be
5 continually aware of all laws and regulations pertaining to the practice of pharmacy in Alaska.
6 McCormick further acknowledges his individual responsibility as an Alaska-licensed
7 pharmacist to obtain the minimum number of credit hours of continuing education that meet
8 the requirements of 12 AAC 52.340 required to renew this license during the concluding
9 license period and to maintain evidence of compliance with the continuing education
10 requirement, under 12 AAC 52.320-12 AAC 52.350.
- 11 j. McCormick admits that as a result of the above facts, grounds exist for the possible
12 revocation, suspension, and imposition of other disciplinary sanctions to his Alaska pharmacist
13 license pursuant to AS 08.01.075, AS 08.80.261, and 12 AAC 52.350(d).

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

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

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

7. Consent Agreement, Decision and Order. McCormick agrees that the Board has the authority
to enter into this Consent Agreement and to issue the following Decision and Order. McCormick
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,
McCormick shall:

- 4 1) Be assessed a civil fine of **\$2,500.00** with **\$2,250.00** of that amount suspended subject to his
5 compliance with the all of the terms and conditions of this agreement. A violation of this
6 agreement will result in the reinstatement of the suspended portion of the fine under the
7 conditions described in paragraph **G** of this agreement;
- 8 2) Satisfy the continuing education requirements under 12 AAC 52 to renew this license for the
9 2010-2012 licensing period in accordance with the terms of this agreement;
- 10 3) Receive a reprimand from the Board; and
- 11 4) Comply with the terms of a mandatory audit of compliance with the continuing education
12 requirements for the next two periods that this license is subject to renewal. Satisfactory
13 documentation to verify McCormick's compliance with the continuing education requirements
14 must be received prior to the processing of his renewal application.

11 **A. Civil Fine**

12 McCormick shall pay the unsuspended portion of the civil fine in the amount of **\$250.00**
13 **within 90 days** of the date this agreement is adopted by the Board. The civil fine shall be
14 paid in the form of a cashier's check, personal check, or money order made payable to the
State of Alaska.

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

17 Nonpayment of the fine in accordance with these terms will constitute a violation of this
18 agreement and will result in the reinstatement of any suspended amount in accordance with
paragraph **F** of this agreement.

19 **B. Compliance with the Continuing Education Requirement**

20 With this audit, McCormick has provided documentation to verifying his completion of
21 approved contact hours completed between July 1, 2010 and June 30, 2012 as follows on
Page 4 of this Agreement:

22 *Table 1: Contact hours completed between July 1, 2010 to June 30, 2012.*

Date Complete	Activity/Program/Course	Sponsor/Provider/Instructor	Contact Hours
12/11/10	An introduction to Bloodborne Pathogens in the Pharmacy	Walgreen Co. ACPE #254-000-09-029-H04-P	1.5
1/14/11	High Risk Blood Pressure Testing: Educating Patients about their Risk	Walgreen Co. ACPE #254-000-10-034-H01-P	1.0
1/15/11	Point of Care Testing for Diabetes	Walgreen Co. ACPE #254-000-10-030-H01-P	1.0
1/15/11	Cholesterol Testing: Educating Patients about their Cardiovascular Risks	Walgreen Co. ACPE #254-000-10-035-H01-P	1.0
4/1/11	2011 HIV Update	Alaska Pharmacists Association Per 12 AAC 52.340(c)	1.0
2/18/12	Contemporary management of RA	Alaska Pharmacists Association ACPE #0139-0000-12-106-L01-P	1.5
2/18/12	The Other Diabetes: Type 1 & its Related Conditions	Alaska Pharmacists Association ACPE #0139-0000-12-107-L01-P	2
2/18/12	Geriatric Pharmacy Practice 101	Alaska Pharmacists Association ACPE #0139-0000-12-110-L01-P	2
2/18/12	2012 Legislative & Gov't Affairs	Alaska Pharmacists Association ACPE #0139-0000-12-108-L03-P	1.5
5/9/12	CPR and AED Certification	American Heart Association Per 12 AAC 52.340(a)(2)	1.0
5/26/12	Summary of the Top 10 Herbal Products	Walgreen Co. ACPE #254-000-10-022-H04-P	1.5
5/26/12	The Community Pharmacist's Role in Decreasing Medication Errors	Walgreen Co. ACPE #254-000-09-H05-P	2.5
5/26/12	Herpes Zoster: A Vaccine Preventable Disease	Walgreen Co. ACPE #254-000-10-005-H01-P	2.0
5/26/12	The Value of a 90 Day Supply of Medication	Walgreen Co. ACPE #254-000-10-015-H04-P	1.0
5/26/12	Medication Errors – Focus on Reducing Errors Related to Prescription Order Data Review	Walgreen Co. ACPE #254-000-11-001-H05-P	0.5
5/26/12	Body Composition Testing: Educating Patients About Their Risks	Walgreen Co. ACPE #254-000-029-H04-P	1.0
5/26/12	Patient-Centered Consultations Training for Pharmacists: A home Study Reference	Walgreen Co. ACPE #254-000-11-H04-P	1.5
5/26/12	Immunizations in the Pharmacy: Seasonal Influenza and Pneumococcal Immunization Update 2011/2012	Walgreen Co. ACPE #254-000-11-024-H04-P	2.0
6/30/12	Hyperlipidemia: An Overview for Community Pharmacists	Walgreen Co. ACPE #254-000-12-011-H01-P	2.0

1 With this agreement, McCormick provides documentation to verify his
2 completion of at least 2.5 continuing education contact hours required for renewal
3 of his license, completed **after June 30, 2012**, as summarized below.

4 *Table 2: Contact hours completed after June 30, 2012*

Date Complete	Activity/Program/Course	Sponsor/Provider/Instructor	Contact Hours
4/1/13	Medication Disposal: Current Issues and Legal Considerations for Pharmacists	Power-Pak C.E. ACPE #0430-0000-11-028-H03-P	2.0
4/10/13	ADHD: Examining Treatment Options	Rx School ACPE #0372-0000-11-007-L01-P	2.0
4/24/13	Skin Infections: Focus on Cellulitis & MRSA	Rx School ACPE #0372-0000-12-026-L01-P	2.0
4/30/13	Travel Health and Vaccine Service	Walgreen Co. ACPE #254-000-13-015-H04-P	3.0

11 Any continuing education contact hours used to satisfy this requirement **may not** be
12 applied as hours to fulfill the continuing education requirement of any subsequent renewal
13 period of this license.

14 **C. Reprimand**

15 The Board of Pharmacy issues McCormick this reprimand for his failure to complete the
16 continuing education portion of the license renewal application accurately.

17 To renew this license for the 2012-2014 licensing period, AS 08.80.165 and 12 AAC
18 52.320(a) require McCormick to complete 30 contact hours of continuing education in
19 programs approved under 12 AAC 52.340 during the concluding license period. On his
20 renewal application, McCormick certified his compliance with the continuing education
21 requirements in 12 AAC 52.

22 Subsequent to the renewal of this license, McCormick was informed his license renewal
23 application was among the group randomly selected for audit to monitor compliance with
24 the continuing education requirements. McCormick was requested to provide
25 documentation to verify completion of the continuing education indicated on his renewal
application. In response to the audit, McCormick admits that he was unable to verify his
completion of the minimum number of acceptable continuing education contact hours
required under AS 08.80 and 12 AAC 52 for the renewal of this license.

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

1 McCormick is hereby reprimanded for his inaccurate response on the renewal application
2 and his failure to complete the minimum number of continuing education contact hours in
3 ACPE approved programs during the concluding license period as indicated on his 2010-
4 2012 license renewal application.

5 **D. Mandatory Audit of Compliance with the Continuing Education Requirement**

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

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

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

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

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

E. Compliance with Laws

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

F. Violation of Agreement

Should McCormick fail to comply with any term or condition of this 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 this license.

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

In the event McCormick's license lapses for nonrenewal while in a suspended status, the license will be considered "lapsed while under suspension" and to reinstate this license:

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

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

G. Address of the Board

All communication concerning this 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

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 this 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 this Consent Agreement.

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

7 DATED: 1-6-14 William McCormick
8 William McCormick

9 SUBSCRIBED AND SWORN TO before me this 6 day of JAN, 20 14, at
10 Strathmore, Alaska.
11 Rockingham Co, N.H.

12 Edwin S. Melin
13 Notary Public in and for Alaska New Hampshire
14 My Commission Edwin S. Melin, Notary Public
15 My Commission Expires January 25, 2017

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

19 DATED this 8 day of January, 20 14, at Juneau, Alaska.

20 SUSAN BELL, COMMISSIONER
21 Department of Commerce, Community and
22 Economic Development

23 By: Donald E. Habeger
24 Donald E. Habeger, Director
25 Division of Corporations, Business and
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 WILLIAM MCCORMICK,)
8 Respondent)
9 _____)

Case No. 2013-002238

10 ORDER

11 The Board of Pharmacy, for the State of Alaska, having examined the Consent Agreement and proposed
12 Decision and Order in the matter of WILLIAM MCCORMICK, Case No. 2013-002238, hereby adopts the
13 Consent Agreement and Decision and Order in this matter , effective immediately.

14 DATED this 31 day of JANUARY, 2014, at JUNEAU, Alaska.

15 BOARD OF PHARMACY

16 By: 
17 Chairperson