



THE STATE
of **ALASKA**

GOVERNOR BILL WALKER

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
Fax: 907.269.8195

CERTIFIED MAIL 7014 2870 0001 5026 4977
RETURN RECEIPT REQUESTED

August 19th, 2016

United Apothecary, Inc.
DBA: Riddle Drugs #3
1050 Oak Ridge Turnpike
Oak Ridge, TN 37830

RE: Case No. 2016-000395

Riddle Drugs:

This letter shall serve as formal notice to you that the Alaska Board of Pharmacy, during its August 18th, 2016 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 Consent Agreement, as adopted, is enclosed.

Please be advised that you were under official investigation by the Alaska Board. You may be required to report this license action and to disclose it when applying for licensure in other states. Should you have any questions regarding this matter, please do not hesitate to contact me at the address and telephone number listed above.

Sincerely,

A handwritten signature in blue ink, appearing to read "AGB".

Angela G. Birt,
Chief Investigator

Enclosure

cc: Office of Administrative Hearings
Donna Bellino, Licensing Examiner
Brian Howes, Investigator
Karina Medina, Office Assistant III
Litigation File: 2016-000395(Original)

AGB: 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 **United Apothecary, Inc.**)
 9 **Doing Business As (DBA) Riddle Drugs #3**)
 10)
 11 Respondent)
 12 Case No. 2016-000395

13 CONSENT AGREEMENT

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 United Apothecary (DBA) Riddle Drugs #3 (Respondent) as follows:

17 1) **Licensure.** Respondent is not currently licensed in the State of Alaska, but has applied for
 18 an Out of State Pharmacy license.

19 2) **Admission/Jurisdiction.** Respondent admits and agrees that the Board of Pharmacy
 20 (Board) has jurisdiction over the subject matter of their license in Alaska and over this Consent
 21 Agreement.

22 3) **Admission/Facts.** Respondent admits to the following facts:

23 a) On October 12, 2015, the Division received the Respondent's out of state pharmacy
 24 application. Respondent's physical address is located at 1050 Oak Ridge Turnpike, Oak Ridge,
 25 Tennessee.

26 b) During review of the application, the Division discovered a pharmacist (M.B.),
 27 employed by the Respondent, currently on ten years' probation (2011-2021), by the Tennessee
 28 Board of Pharmacy for substance abuse.

29 c) On March 8, 2016, Respondent provided a written response to the Division indicating
 30 M.B. "was inadvertently added to the application for the Alaska out of State Pharmacy," since
 31 M.B. tendered her resignation effective November 30, 2015 and provided thirty days' notice.

32 e) On July 7, 2016, M.B. was interviewed by a Division Investigator and confirmed she
 33 provided the Respondent thirty (30) days' notice of her resignation on November 30, 2015, thus

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1 indicating the notice was provided on or about November 1, 2015 – three weeks **after** the
 2 Respondent applied for licensure with the State of Alaska.

3 f) Therefore, on October 12, 2015, when the Respondent submitted their application for
 4 licensure, M.B. was an active employee and M.B.'s employment and disciplinary history required
 5 disclosure.

6 g) Respondent admits that as a result of the above facts, grounds exist for possible
 7 suspension, revocation, or other disciplinary sanctions of their license pursuant to AS 08.01.075
 8 and AS 08.80.261(a)(1).

9 **4) Formal Hearing Process.** It is the intent of the parties to this Consent Agreement to
 10 provide for the compromise and settlement of all issues addressed in Paragraph 3 (above), which
 11 could be raised by a Statement of Issues to deny licensure through a formal hearing process.

12 **5) Waiver of Rights.** Respondent understands they have the right to consult with an attorney
 13 of their own choosing and has a right to an administrative hearing on the facts in this case.
 14 Respondent understands and agrees that by signing this Consent Agreement, Respondent is
 15 waiving their rights to counsel and to a hearing. Further, Respondent understands and agrees that
 16 they are relieving the Division of any burden it has of proving the facts admitted above.
 17 Respondent further understands and agrees that by signing this Consent Agreement they are
 18 voluntarily and knowingly giving up their right to present oral and documentary evidence, to
 19 present rebuttal evidence, to cross-examine witnesses against Respondent, and to appeal the
 20 Board's decision to Superior Court.

21 **6) Effect of Non-Acceptance of Consent Agreement.** Respondent and the Division agree
 22 that this Consent Agreement is subject to the approval of the Board. They agree that, if the Board
 23 rejects this agreement, it will be void, and a Statement of Issues may be filed. If this agreement is
 24 rejected by the Board, it will not constitute a waiver of Respondent's right to a hearing on the
 25 matters alleged in a Statement of Issues and the admissions contained herein will have no
 26 effect. Respondent agrees that, if the Board rejects this agreement, the Board may decide the
 27 matter after a hearing, and its consideration of this agreement shall not alone be grounds for
 28 claiming that the Board is biased against them, that it cannot fairly decide the case, or that it has
 29 received ex parte communication.

30 **7) Consent Agreement, Decision, and Order.** Respondent agrees that the Board has the
 31 authority to enter into this Consent Agreement and to issue the following Decision and Order.

PROPOSED DECISION AND ORDER

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IT IS HEREBY ORDERED that the license, if issued, to Respondent shall be subject to the following terms and conditions:

A. Violation of Agreement

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

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

B. Respondent Address

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

Failure to provide notice of any changes within 10 calendar days will constitute grounds for suspension of their license in accordance with paragraph 'B' above.

C. Authorization

Within 10 calendar days of a request by the Board's agent, Respondent will sign all authorizations necessary for the release of information required by this Consent Agreement.

D. Noncooperation by Reporting Persons

If any of the persons required by this Order to report to the Board, fails or refuses to do so, and after adequate notice to Respondent to correct the problem, the Board may terminate probation and invoke other sanctions as it determines appropriate.

All costs are the responsibility of the Respondent.

E. Good Faith

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

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F. Civil Fine

Respondent shall pay a fine of four thousand dollars (\$4,000.00) within 90 days of the adoption of this agreement and is payable to the "State of Alaska" in cash, certified check, or money order or via credit card.

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

Angela G. Birt, Chief Investigator
 Division of Corporations, Business and Professional Licensing
 550 West 7th Avenue, Suite 1500
 Anchorage, Alaska 99501-3567

G. Reprimand

It is hereby ordered that a public reprimand be issued against licensee, United Apothecary, Inc (DBA) Riddle Drugs for failing to fully inform the Board as required by its application. The Board relies heavily on the veracity of the licensee and the failure to provide accurate and truthful is unacceptable.

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

4 DATED this 19th day of JULY, 2016 at Anchorage, Alaska.

5
6 CHRIS HLADICK, COMMISSIONER

7
8 By: [Signature]

9
10 Angela G. Birt, Chief Investigator for
11 Janey Hovenden, Director
12 Division of Corporations, Business and
Professional Licensing

13
14 I, Ernie Riddle Registered Agent/Owner of United Apothecary, Inc (DBA) Riddle
15 Drugs, and authorized to sign legal documents on the business' behalf, have read the Consent
16 Agreement, understand it, and agree to be bound by its terms and conditions.

17
18 8-12-16
19 Date

20
21 [Signature]
22 Registered Agent/Owner

23
24 SUBSCRIBED AND SWORN TO before me this 12 day of
25 August, 2016, at Oak Ridge, Tennessee
26 Alaska

27 SEAL



28 Cheryl Morrison
29 Notary Public in and for Alaska

30 Cheryl Morrison
31 Notary Printed Name

32 My commission expires: 8/29/2019

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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:)
#3)
United Apothecary, Inc (DBA) Riddle Drugs)
Respondent)
Case No. 2016-000395

ORDER

The Board of Pharmacy for the State of Alaska, having examined the Consent Agreement and Proposed Decision and Order, Case No. 2016-000395, United Apothecary, Inc, (DBA) Riddle Drugs, #3 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 19 day of August, 2016, at
Anchorage, Alaska.

BOARD OF PHARMACY

By: 
Chairperson