



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

DIVISION OF CORPORATIONS, BUSINESS AND
PROFESSIONAL LICENSING

P.O. Box 110806
Juneau, Alaska 99811-0806
Main: 907.465.2550
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CERTIFICATION

I, Charles Ward, Paralegal for the Division of Corporations, Business and Professional Licensing, a Division of the State of Alaska, Department of Commerce, Community and Economic Development, do hereby certify that Page 4 of this document is a true copy of the original Page 4 of this document.

Dated this 14th day of April, 2014, at Juneau Alaska

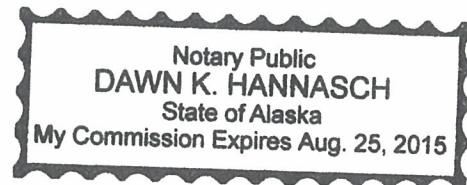
A handwritten signature in blue ink, appearing to read "CW", written over a horizontal line.

Charles Ward, Paralegal

Subscribed and sworn to before me this 14th day of April, 2014, at Juneau, Alaska.

A handwritten signature in black ink, appearing to read "D. Hannasch", written over a horizontal line.

Notary Public, State of Alaska



My commission expires: 8-25-15

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 STEVEN VAN WAGONER,)
8 Respondent)

Case No. 2013-002238

9 CONSENT AGREEMENT, DECISION AND ORDER

10 IT IS HEREBY AGREED by the Department of Commerce, Community and Economic
11 Development, Division of Corporations, Business and Professional Licensing (Division), and Steven Van
12 Wagoner (Van Wagoner) as follows:

13 1. **Licensure.** Van Wagoner holds Alaska Pharmacist License Number 1089 which was first issued
14 to him on August 4, 1994, and which will expire on June 30, 2014, unless renewed.

15 2. **Admission/Jurisdiction.** Van Wagoner admits and agrees that the Board of Pharmacy (Board)
16 for the State of Alaska has jurisdiction over the subject matter of his license in Alaska and over this
17 agreement.

18 3. **Facts.** Van Wagoner admits the following facts:

- 19 a. To renew his Alaska pharmacist license for the July 1, 2012 - June 30, 2014 (2012-2014)
20 licensing period, AS 08.80.165 and 12 AAC 52.300(c) require Van Wagoner to submit
21 documentation that he has met all continuing education requirements under 12 AAC 52.320-
22 12 AAC 52.350. These requirements include the completion of 30 contact hours of acceptable
23 continuing education during the concluding license period (July 1, 2010 to June 30, 2012).
- 24 b. As part of the 2012-2014 Biennial Pharmacist License Renewal application, Van Wagoner
25 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, Van Wagoner certified by his signature dated June 12, 2012 that
the information furnished in the license renewal application is true and correct. Van
Wagoner's Alaska pharmacist license was renewed in reliance upon the information in that
application.
- d. Under 12 AAC 52.350(a), Van Wagoner'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, Van Wagoner was instructed to provide proof
of completion of the contact hours claimed on the renewal application.
- e. In response to the audit, Van Wagoner submitted documentation of 26 contact hours of
continuing education completed between July 1, 2008 – June 30, 2010 that meet the
requirements of 12 AAC 52.340.
- f. Van Wagoner submitted documentation requesting 2 hours of continuing education from a
course titled "Alaska Prescription Drug Monitoring Program," provided by South Peninsula

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1 Hospital. At the time of submission, Van Wagoner believed the hours to be part of an
2 approved program. However, Van Wagoner now admits the hours do not meet the
requirements for approval laid out under 12 AAC 52.340.

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

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

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

24 **6. Effect of Nonacceptance of Agreement.** Van Wagoner and the Division agree that this Consent
25 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 Van Wagoner's right to a hearing on matters alleged in an accusation and any admissions
contained herein will have no effect. Van Wagoner 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. Van Wagoner agrees that the Board has the
authority to enter into this Consent Agreement and to issue the following Decision and Order. Van
Wagoner 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.

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1 **DECISION AND ORDER**

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

- 3
- 4 1) Be assessed a civil fine of **\$2,500.00** with **\$2,100.00** of that amount suspended subject to his compliance with the all of the terms and conditions of this agreement. A violation of this agreement will result in the reinstatement of the suspended portion of the fine under the conditions described in paragraph **G** of this agreement;
- 5
- 6 2) Satisfy the continuing education requirements under 12 AAC 52 to renew this license for the 2010-2012 licensing period in accordance with the terms of this agreement;
- 7
- 8 3) Have his pharmacist's license suspended immediately upon the board's adoption of this agreement and its reinstatement being subject to the terms and conditions of this agreement described in section **C** below; and
- 9
- 10 4) Receive a reprimand from the Board; and
- 11
- 12 5) Comply with the terms of a mandatory audit of compliance with the continuing education requirements for the next two periods that this license is subject to renewal. Satisfactory documentation to verify Van Wagoner's compliance with the continuing education requirements must be received prior to the processing of his renewal application.

13 **A. Civil Fine**

14 Van Wagoner shall pay the unsuspended portion of the civil fine in the amount of **\$400.00** within **90 days** of the date this agreement is adopted by the Board. The civil fine shall be paid in the form of a cashier's check, personal check, or money order made payable to the State of Alaska.

15

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

17

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

19

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

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

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23

24

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GEN 10 13 13
10/13/13
MA 10 13 13
10/13/13
certified [unclear]
[unclear]

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

Date Complete	Activity/Program/Course	Sponsor/Provider/Instructor	Contact Hours
7/7/10	Emerging Developments in Drug Therapy and Implementation into Patient Care	Pharmacist's Letter ACPE #0422-0000-10-007-H01-P	1.0
8/16/10	Emerging Developments in Drug Therapy and Implementation into Patient Care	Pharmacist's Letter ACPE #0422-0000-10-008-H01-P	1.0
8/30/10	Emerging Developments in Drug Therapy and Implementation into Patient Care	Pharmacist's Letter ACPE #0422-0000-10-009-H01-P	1.0
11/13/10	Emerging Developments in Drug Therapy and Implementation into Patient Care	Pharmacist's Letter ACPE #0422-0000-10-010-H01-P	1.0
1/22/11	Emerging Developments in Drug Therapy and Implementation into Patient Care	Pharmacist's Letter ACPE #0422-0000-10-011-H01-P	1.0
1/23/11	Emerging Developments in Drug Therapy and Implementation into Patient Care	Pharmacist's Letter ACPE #0422-0000-10-012-H01-P	1.0
1/23/11	Emerging Developments in Drug Therapy and Implementation into Patient Care	Pharmacist's Letter ACPE #0422-0000-11-001-H01-P	1.0
4/11/11	Emerging Developments in Drug Therapy and Implementation into Patient Care	Pharmacist's Letter ACPE #0422-0000-11-002-H01-P	1.0
4/11/11	Emerging Developments in Drug Therapy and Implementation into Patient Care	Pharmacist's Letter ACPE #0422-0000-11-003-H01-P	1.0
4/13/11	Emerging Developments in Drug Therapy and Implementation into Patient Care	Pharmacist's Letter ACPE #0422-0000-11-004-H01-P	1.0
2/27/12	Emerging Developments in Drug Therapy and Implementation into Patient Care	Pharmacist's Letter ACPE #0422-0000-11-005-H01-P	1.0
2/28/12	Emerging Developments in Drug Therapy and Implementation into Patient Care	Pharmacist's Letter ACPE #0422-0000-11-006-H01-P	1.0
5/10/12	Emerging Developments in Drug Therapy and Implementation into Patient Care	Pharmacist's Letter ACPE #0422-0000-11-007-H01-P	1.0
5/10/12	Emerging Developments in Drug Therapy and Implementation into Patient Care	Pharmacist's Letter ACPE #0422-0000-11-008-H01-P	1.0
5/11/12	Emerging Developments in Drug Therapy and Implementation into Patient Care	Pharmacist's Letter ACPE #0422-0000-11-009-H01-P	1.0
5/11/12	Emerging Developments in Drug Therapy and Implementation into Patient Care	Pharmacist's Letter ACPE #0422-0000-11-010-H01-P	1.0
5/17/12	Emerging Developments in Drug Therapy and Implementation into Patient Care	Pharmacist's Letter ACPE #0422-0000-011-H01-P	1.0
6/5/12	Emerging Developments in Drug Therapy and Implementation into Patient Care	Pharmacist's Letter ACPE #0422-0000-11-012-H01-P	1.0
6/5/12	Emerging Developments in Drug Therapy and Implementation into Patient Care	Pharmacist's Letter ACPE #0422-0000-12-001-H01-P	1.0
6/9/12	Emerging Developments in Drug Therapy and Implementation into Patient Care	Pharmacist's Letter ACPE #0422-0000-12-002-H01-P	1.0
6/9/12	Emerging Developments in Drug Therapy and Implementation into Patient Care	Pharmacist's Letter ACPE # 0422-0000-12-004-H01-P	1.0
6/9/12	Emerging Developments in Drug Therapy and Implementation into Patient Care	Pharmacist's Letter ACPE #0422-0000-12-003-H01-P	1.0
6/10/12	Emerging Developments in Drug Therapy and Implementation into Patient Care	Pharmacist's Letter ACPE #0422-0000-12-005-H01-P	1.0
6/10/12	Emerging Developments in Drug Therapy and Implementation into Patient Care	Pharmacist's Letter ACPE #0422-0000-12-006-H01-P	1.0
6/10/12	End of Life Care and Pain Management	Pharmacist's Letter/Therapeutic Research Center ACPE #0422-0000-12-214-H01-P	2.0

1 Van Wagoner agrees to complete the disallowed contact hours in an approved program and
2 report the completion to the Board **within 90 days** of the date the Board sends notification
3 of the disallowed contact hours.

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

7 **C. Suspension**

8 Immediately upon the Board's adoption of this agreement, Van Wagoner's Pharmacist's
9 license shall be suspended. His License will not be reinstated until such time that
10 satisfactory documentation to verify completion of the continuing education required under
11 this agreement has been received and approved by the board, or its designee.

12 Van Wagoner understands and agrees that in the event this license lapses for non-renewal
13 while it is in suspended status, the license will be considered "lapsed while under
14 suspension," and in order to reinstate the license:

- 15 a. All terms of this agreement must be satisfied;
16 b. All requirements pursuant to AS 08.80 and 12 AAC 52 to reinstate a lapsed
17 pharmacist's license must be met.

18 Van Wagoner understands and agrees that any reinstatement of his license is conditioned
19 upon his compliance with this agreement, with AS 08.68 and all regulations adopted under
20 that chapter pertaining to activities requiring a pharmacist's license in Alaska.

21 If satisfactory documentation is received **prior to** the Board's adoption of this Agreement
22 that verifies Van Wagoner completed the 4 deficient hours of required continuing education
23 on or after July 1, 2010, then this provision to suspend Van Wagoner's license **will not** be
24 imposed. All other terms and conditions of the agreement remain unchanged.

25 **D. Reprimand**

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

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

Subsequent to the renewal of this license, Van Wagoner was informed his license renewal
application was among the group randomly selected for audit to monitor compliance with
the continuing education requirements. Van Wagoner was requested to provide
documentation to verify completion of the continuing education indicated on his renewal
application. In response to the audit, Van Wagoner 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.

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

8 Van Wagoner is hereby reprimanded for his inaccurate response on the renewal application
9 and his failure to complete the minimum number of continuing education contact hours in
10 ACPE approved programs during the concluding license period as indicated on his 2010-
11 2012 license renewal application.

12 **E. Mandatory Audit of Compliance with the Continuing Education Requirement**

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

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

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

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

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

F. Compliance with Laws

Van Wagoner 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.

G. Violation of Agreement

Should Van Wagoner 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.

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

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

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

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

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

17 **H. Address of the Board**

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

24 It is the responsibility of the licensee to keep the Board's agent advised in writing of any
25 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.

J. 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.

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ACCEPTANCE OF AGREEMENT

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

DATED: 1/3/14 Steven A. Van Wagoner
Steven Van Wagoner

SUBSCRIBED AND SWORN TO before me this 7th day of January, 20 14, at Homer, Alaska.

Sharon K. Nicholson
Notary Public in and for Alaska
My Commission Expires: 02-14-16

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

DATED this 6 day of February, 20 14, at Juneau, Alaska.

SUSAN BELL, COMMISSIONER
Department of Commerce, Community and
Economic Development

By: Donald E. Habeger
Donald E. Habeger, Director
Division of Corporations, Business and
Professional Licensing



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Notary Public for the State of Alaska
International Commission on Notary Training

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DATED: 1/8/14 _____
Steven Van Wagoner
Steven Van Wagoner

SUBSCRIBED AND SWORN TO before me this 8th day of January, 20 14, at Homer, Alaska.

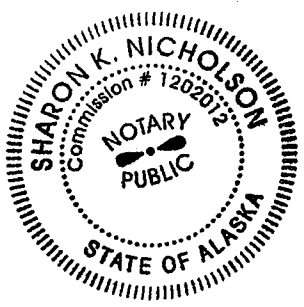
Sharon K. Nicholson
Notary Public in and for Alaska
My Commission Expires: 02-14-16

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DATED this 6 day of February, 20 14, at Juneau, Alaska.

SUSAN BELL, COMMISSIONER
Department of Commerce, Community and
Economic Development

By: Donald E. Habeger
Donald E. Habeger, Director
Division of Corporations, Business and
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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

3 In the matter of:)
4)
5 STEVEN VAN WAGONER,)
Respondent)
_____)


Case No. 2013-002238

6
7
8 ORDER

9 The Board of Pharmacy, for the State of Alaska, having examined the Consent Agreement and proposed
10 Decision and Order in the matter of STEVEN VAN WAGONER, Case No. 2013-002238, hereby adopts the
11 Consent Agreement and Decision and Order in this matter , effective immediately.

12
13 DATED this 3 day of APRIL, 2014, at ANCHORAGE, Alaska

14 BOARD OF PHARMACY

15
16 By: 
17 Chairperson