

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:)
)
STEVEN SCHABER,)
Respondent) Case No. 2013-002244

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 Steven Schaber (Schaber) as follows:

1. **Licensure.** Schaber holds Alaska Pharmacist License Number 1344 which was first issued to him on October 13, 2000, and which will expire on June 30, 2014, unless renewed.
2. **Admission/Jurisdiction.** Schaber 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.** Schaber 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 Schaber 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, Schaber 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, Schaber certified by his signature dated May 29, 2012 that the information furnished in the license renewal application is true and correct. Schaber’s Alaska pharmacist license was renewed in reliance upon the information in that application.
 - d. Under 12 AAC 52.350(a), Schaber’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, Schaber was instructed to provide proof of completion of the contact hours claimed on the renewal application.
 - e. In response to the audit, Schaber submitted documentation of 29.25 contact hours of continuing education completed between July 1, 2008 – June 30, 2010 that meet the requirements of 12 AAC 52.340.
 - f. Schaber submitted documentation requesting 1 hour of continuing education credit for a class completed after June 30, 2012. Schaber now admits that that class cannot be accepted for the purposes of this audit, absent an agreement with the Board.

- 1 g. Schaber admits that he lacks 0.75 contact hours of acceptable continuing education completed
2 between July 1, 2010 – June 30, 2012 to meet the continuing education requirements to
3 lawfully renew his Alaska pharmacist license for the 2012-2014 licensing period.
- 4 h. Schaber 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 Schaber further acknowledges his individual responsibility as an Alaska-licensed pharmacist
7 to obtain the minimum number of credit hours of continuing education that meet the
8 requirements of 12 AAC 52.340 required to renew this license during the concluding license
9 period and to maintain evidence of compliance with the continuing education requirement,
10 under 12 AAC 52.320-12 AAC 52.350.
- 11 j. Schaber admits that as a result of the above facts, grounds exist for the possible revocation,
12 suspension, and imposition of other disciplinary sanctions to his Alaska pharmacist license
13 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, suspend, or
16 impose disciplinary sanctions against this license through a formal hearing process.

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

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

- 4 1) Be assessed a civil fine of **\$2,500.00** with **\$2,425.00** 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 Schaber's compliance with the continuing education requirements
14 must be received prior to the processing of his renewal application.

15 **A. Civil Fine**

16 Schaber shall pay the unsuspended portion of the civil fine in the amount of ~~\$400.00~~ ^{75.00} **within**
17 **90 days** of the date this agreement is adopted by the Board. The civil fine shall be paid in
18 the form of a cashier's check, personal check, or money order made payable to the State of
19 Alaska.

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

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

B. Compliance with the Continuing Education Requirement

With this audit, Schaber 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:

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

Date Complete	Activity/Program/Course	Sponsor/Provider/Instructor	Contact Hours
8/10/10	Radiation Oncology	Alaska Pharmacists Association ACPE #139-999-09-056-L01-P	1.0
8/28/10	Pharmacists: Emergency Preparedness for Pharmacy: Preparing Pharmacists to Respond	University of Georgia College of Pharmacy ACPE #0014-9999-10-061-H05-P	3.0
2/20/11	Pediatric Pharmacotherapy	Alaska Pharmacists Association ACPE #0139-000-11-115-L01-P	1.5
2/20/11	Anticoagulation Update	Alaska Pharmacists Association ACPE #0139-000-11-113-L01-P	1.5
2/20/11	Should HDL-C be a Target of Therapy?	Alaska Pharmacists Association ACPE #0139-000-11-112-L01-P	1.0
2/20/11	Motivational Interviewing: Improving Adherence	Alaska Pharmacists Association ACPE #0139-000-11-111-L04-P	2.0
6/21/11	Alkylating Agents	Alaska Pharmacists Association ACPE #0139-9999-10-052-L01-P	1.0
2/17/12	Oral Antineoplastic Therapy Review	Alaska Pharmacists Association ACPE #0139-0000-12-105-L01-P	1.0
2/17/12	Precepting Effectively	Alaska Pharmacists Association ACPE #0139-0000-12-112-L04-P	1.5
2/17/12	Understanding Legal Tools: Lawsuit Prevention	Alaska Pharmacists Association ACPE #0139-0000-12-103-L03-P	1.0
2/18/12	The Other Diabetes: Type 1 & Its Related Conditions	Alaska Pharmacists Association ACPE #0139-0000-12-107-L01-P	2.0
2/18/12	2012 Legislative & Gov't Affairs	Alaska Pharmacists Association ACPE #0139-0000-12-108-L03-P	1.5
2/18/12	Pharmacists & HIV Management	Alaska Pharmacists Association ACPE #0139-0000-12-109-L02-P	1.5
2/18/12	Contemporary Management of RA	Alaska Pharmacists Association ACPE #0139-0000-12-106-L01-P	1.5
2/19/12	Depression: Can Vitamin D Help?	Alaska Pharmacists Association ACPE #0139-0000-12-121-L01-P	1.0
2/19/12	Federal CS Regulations	Alaska Pharmacists Association ACPE #0139-0000-12-119-L03-P	1.0
2/19/12	Diabetes Management at the Grassroots Level	Alaska Pharmacists Association ACPE #0139-0000-12-115-L01-P	1.5
2/19/12	Motivational Interviewing	Alaska Pharmacists Association ACPE #0139-0000-12-112-L04-P	2.0
2/19/12	Palliative Care and the Pharmacist Role	Alaska Pharmacists Association ACPE #0139-0000-12-118-L01-P	1.0
4/18/12	Glycemic Control in the ICU: New Technology for Better Care	ProCE ACPE #221-000-10-041-H01-P	0.5
5/22/12	Therapeutic Advances in the Management of Multiple Sclerosis	Postgraduate Institute for Medicine ACPE #0809-999-12-004-H01-P	1.25

Schaber further provided documentation of 1 hour of continuing education completed after June 30, 2012, as provided below:

Table 2: Contact hours completed after June 30, 2012

Date Complete	Activity/Program/Course	Sponsor/Provider/Instructor	Contact Hours
8/6/13	Managing Breakthrough Cancer Pain: Opportunities and Challenges for Pharmacists	University of Tennessee College of Pharmacy ACPE #0064-0000-13-215-H01-P	1.0

Under the terms of this Agreement, the Board will accept 0.75 of the 1 contact hour of continuing education provided by Schaber that was completed after June 30, 2012 to satisfy the requirements to renew his pharmacist's license for the 2012=2014 licensing period

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

C. Reprimand

The Board of Pharmacy issues Schaber 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 Schaber 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, Schaber certified his compliance with the continuing education requirements in 12 AAC 52.

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

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

D. Mandatory Audit of Compliance with the Continuing Education Requirement

Schaber's renewal application for his Alaska pharmacist 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.

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

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

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

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

19 **E. Compliance with Laws**

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

23 **F. Violation of Agreement**

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

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

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

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

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

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Schaber agrees that failure to comply with a request by the Board or its agent to allow review of Schaber'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.

ACCEPTANCE OF AGREEMENT

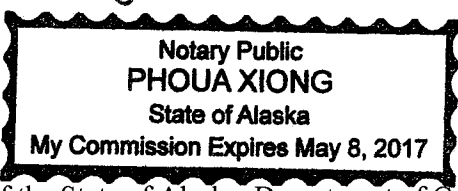
I, Steven Schaber am hereby entering into this Consent Agreement voluntarily and of my own free will. I declare that I am not under the influence of any medication, drugs or other substances that would effect my ability to consider this action clearly and rationally. I further declare that there have 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.

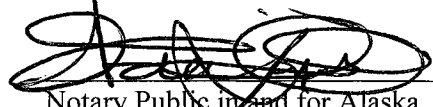
DATED: 1-10-14



Steven Schaber

1 SUBSCRIBED AND SWORN TO before me this 10th day of January, 20 14, at
2 Anchorage, Alaska.

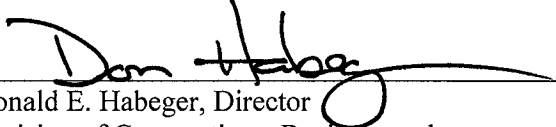


4 
Notary Public in and for Alaska
My Commission Expires: 05-08-17

5 On behalf of the State of Alaska, Department of Commerce, Community and Economic Development, the
6 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.

7 DATED this 17 day of January, 20 14, at Juneau, Alaska.

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

10 By: 
11 Donald E. Habeger, Director
12 Division of Corporations, Business and
13 Professional Licensing
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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

5 In the matter of:)
6)
7 STEVEN SCHABER,)
8 Respondent)

Case No. 2013-002238

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 STEVEN SCHABER, Case No. 2013-002238, hereby adopts the Consent
12 Agreement and Decision and Order in this matter , effective immediately.

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

14 BOARD OF PHARMACY

15
16 By:



Chairperson