

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 Geneva Woods Med-Set Pharmacy)
9)
10 Respondent)
11 Case No. 2014-001553

12
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 Geneva Woods Pharmacy (Respondent) as follows:

17 1) **Licensure.** Respondent is currently licensed as a Pharmacy in the State of Alaska
18 and holds License number #398. This license was first issued on July 7, 2003 and will
19 expire on June 30, 2018.

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

23 3) **Admission/Facts.** Respondent neither admits nor denies the following facts:
24 Respondent provided med-set services to patients at what was formerly known as the Alaska
25 Medicare Clinic ("Clinic"). Med-sets, also known as med-paks, are a series of containers
26 prepared by a pharmacist for a specific patient containing one or more prescribed oral dosage
27 forms and designed or labeled to indicate the day and time when contents are to be taken.
28 However, in three cases, long time prescriptions in those med-sets were allowed to expire, and,
29 in a fourth case, there were two prescriptions filled for the same medication.

1 a) Since 2012, K.J. had been taking two doses of Zyprexa (olanzapine) each
2 day-5mg in the morning and 10mg in the evening. However, the 5mg prescription expired on
3 November 30, 2013. The Division has alleged that Respondent did not take appropriate steps to
4 ensure that there was no interruption of the medication. Respondent contends that timely
5 warnings of the imminent expiration of the medication were contained in prior med-sets.

6 b) Since 2012, C.R. had been taking Synthroid (levothyroxine). On
7 November 5, 2013, Respondent filled a 30 day prescription. The prescription expired in early
8 December 2013, which was discovered later in the month when C.R. had an abnormal TSH lab
9 result. The Division has alleged that Respondent did not take appropriate steps to ensure that
10 there was no interruption of the medication. Respondent contends that timely warnings of the
11 imminent expiration of the medication were contained in prior med-sets.

12 c) Since 2012, W.W. had been taking Tegretol (carbamazepine), an anti-
13 seizure medication. Respondent filled a 30 day prescription of Tegretol on August 9, 2013,
14 which, with six refills, expired on March 8, 2014. W.W. had a grand mal seizure on
15 April 8, 2014. The Division has alleged that Respondent did not take appropriate steps to ensure
16 that there was no interruption of the medication. Respondent contends that W.W.'s current and
17 former providers were contacted well in advance of the expiration, and that timely warnings of
18 the imminent expiration of the medication were contained in prior med-sets.

19 d) K.J. had been taking Coumadin (warfarin) since 2012. On
20 March 22, 2013, K.J. was prescribed a 30 day supply of Coumadin. Approximately 22 days later,
21 K.J. was prescribed a new order of Coumadin, whereby she would take one tablet daily, or as
22 prescribed based on INR results. The Division contends that Respondent, which filled both
23 orders, took no action to ensure that K.J. did not take both prescriptions or to notify the

1 prescribing physician for clarification. Respondent contends that the INR is a lab test used to
2 monitor Coumadin dosing, and it is up to the provider to alter the dose if indicated by the lab,
3 and inform the patient.

4 Respondent admits that as a result of the above facts, grounds exist for possible suspension,
5 revocation, or other disciplinary sanctions of their license pursuant to AS.08.01.075,
6 AS 08.80.261(a)(5)(6), 12 AAC 52.460(a)(4)(6), 12 AAC 52. 520(b)(c)(4)(5), 12 AAC
7 52.920(a)(2)(15)(b)(4) and (5).

8 4) **Formal Hearing Process.** It is the intent of the parties to this Consent Agreement
9 to provide for the compromise and settlement of all issues raised in the Accusation to revoke,
10 suspend, or impose disciplinary sanctions against Respondent's license through a formal hearing
11 process.

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

20 6) **Effect of Non-Acceptance of Consent Agreement.** Respondent and the Division
21 agree that this Consent Agreement is subject to the approval of the Board of Pharmacy. They
22 agree that, if the Board rejects this Consent Agreement, it will be void, and a hearing on the
23 Accusation will be held. If this Consent Agreement is rejected by the Board, it will not constitute

1 a waiver of Respondent's right to a hearing on the matters alleged in an Accusation and the
2 admissions contained herein will have no effect. Respondent agrees that, if the Board rejects this
3 Consent Agreement, the Board may decide the matter after a hearing, and its consideration of
4 this Consent Agreement shall not alone be grounds for claiming that the Board is biased against
5 Respondent, that it cannot fairly decide the case, or that it has received ex parte communication.

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

9 **PROPOSED DECISION AND ORDER**

10 IT IS HEREBY ORDERED that the license issued to Respondent is subject to the
11 following terms and conditions.

12 **A. Civil Fine**

13 Respondent shall pay a fine of ten thousand dollars (\$10,000.00). This fine is due within
14 90 days of the adoption of this agreement and is payable to the "State of Alaska" in cash,
15 certified check, or money order or via credit card.

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

17 Angela G. Birt, Chief Investigator
18 Division of Corporations, Business and Professional Licensing
19 550 West 7th Avenue, Suite 1500
20 Anchorage, Alaska 99501-3567
21

22 **B. Violation of Agreement**

23 If Respondent fails to comply with any term or condition of this Consent Agreement, the
24 Division may enforce this agreement by immediately suspending Respondent's license, without
25 an additional order from the Board or without a prior hearing, for a violation of this agreement.

26 If Respondent's license is suspended under this paragraph, as provided above, they will

1 be entitled to a hearing, on an expedited basis, regarding the issue of the suspension. If
2 Respondent's license is suspended, they will continue to be responsible for all license
3 requirements pursuant to AS 08.80.

4 **C. Good Faith**

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

7 **D. Address of the Board**

8 Any communication concerning compliance with this Consent Agreement shall be
9 addressed to:

10 Al Kennedy, Senior Investigator
11 Division of Corporations, Business and Professional Licensing
12 550 West 7th Avenue, Suite 1500
13 Anchorage, Alaska 99501-3567
14 (907) 269-0056

15 **E. Reprimand**

16 It is hereby ordered that a public reprimand be issued against licensee, Geneva Woods
17 Med-Set Pharmacy, for failure to ensure meds-paks are properly filled, documented and that
18 consultation occurs with the patient or their caregiver regarding all prescriptions filled or
19 regarding any changes to prescriptions.

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21

1 IT IS HEREBY FURTHER ORDERED that this 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 professional licensing board, federal, state, or local government, or other entity making a
5 relevant inquiry.

6 DATED this 31st day of May, 2017 at Anchorage, Alaska.

7
8 CHRIS HLADICK, COMMISSIONER

9
10 AGB
11

12 By: [Signature]

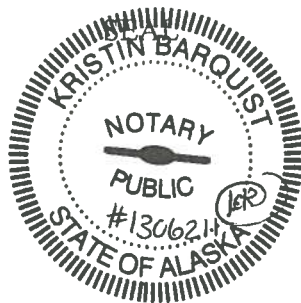
13 Angela G. Birt, Chief Investigator for
14 Janey Hovenden, Director
15 Division of Corporations, Business and
16 Professional Licensing

17 I, Dan Afrasiabi, (Authorized Representative for), Geneva Woods Med-Set
18 Pharmacy, have read the Consent Agreement, I/we understand it, and we agree to be bound by its
19 terms and conditions.

20
21 DATED: 5/26/17

22 [Signature]
23 Authorized Representative's Signature

24 SUBSCRIBED AND SWORN TO before me this 26th day of
25 May, 2017, at 501 W. International, Alaska.



36 [Signature]
37 Notary Public in and for Alaska.

38 Kristin Barquist
39 Notary Printed Name

40 My commission expires: 6/24/2017

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4 BEFORE THE BOARD OF PHARMACY
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6 In the Matter of:)
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8 Geneva Woods Pharmacy)
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10 Respondent)
11 Case No. 2014-001553

12 ORDER

13
14 The Board of Pharmacy for the State of Alaska, having examined the Consent Agreement
15 and Proposed Decision and Order, Case No. 2014-001553, Geneva Woods Pharmacy
16 Respondent, license number #398, adopted the Consent Agreement and Decision and Order in
17 this matter.

18 This Consent Agreement takes effect immediately upon signature of this Order in
19 accordance with the approval of the Board.

20 The Division may enforce the Consent Agreement by immediately suspending
21 Respondent's license, without an additional order from the board or without a prior hearing, for a
22 violation of the Consent Agreement.

23 DATED this 13th day of June, 2017, at
24 Anchorage, Alaska.

25
26 BOARD OF PHARMACY

27
28
29 By: Lana Bell LANA BELL
30 for Leif Holm
31 Chairperson