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MAR 14 2006
ARIZONA STATE
BOARD OF PHARMACY

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BEFORE THE ARIZONA STATE BOARD OF PHARMACY

In the Matter of:

PETER YEE, R.Ph.)	INVESTIGATION CASE NO. 06-0006-PHR
Holder of License No. 8196)	
For the Practice of Pharmacy)	CONSENT AGREEMENT AND
In the State of Arizona,)	ORDER FOR PROBATION
)	
Respondent)	

CONSENT AGREEMENT

RECITALS

In the interest of a prompt and judicious settlement of this case, consistent with the public interest, statutory requirements and the responsibilities of the Arizona State Board of Pharmacy ("Board") and under A.R.S. §§ 32-1901 *et. seq.* and 41-1092.07(F)(5), Peter Yee ("Respondent"), holder of Pharmacist License No. 8196 to practice pharmacy in the State of Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final disposition of this matter.

1. Respondent has read and understands this Consent Agreement and has had the opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity to discuss this Consent Agreement with an attorney.
2. Respondent understands that he has a right to a public administrative hearing concerning the above-captioned matter, at which hearing he could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent knowingly and voluntarily relinquishes all right to such an administrative hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial action, concerning the matters set forth herein.
3. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.
4. Respondent understands that this Consent Agreement or any part of the agreement may be considered in any future disciplinary action by the Board against him.

1 5. Respondent understands this Consent Agreement deals with Board Complaint No. 2952
2 involving allegations of unprofessional conduct against Respondent. The investigation into these
3 allegations against Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

4 6. Respondent understands that this Consent Agreement does not constitute a dismissal or
5 resolution of any other matters which may come before the Board in the future, if any, and does not
6 constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any
7 other future investigations, actions or proceedings. Respondent also understands that acceptance of this
8 Consent Agreement does not preclude any other agency, subdivision, or officer of this State from
9 instituting any other civil or criminal proceedings with respect to the conduct that is the subject of this
10 Consent Agreement.

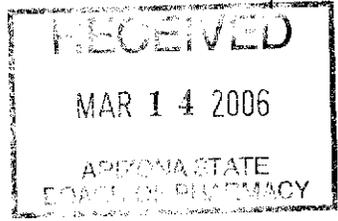
11 7. Respondent acknowledges and agrees that, upon signing this Consent Agreement and
12 returning this document to the Board's Executive Director, he may not revoke his acceptance
13 of the Consent Agreement or make any modifications to the document regardless of whether the Consent
14 Agreement has been signed by the Executive Director. Any modification to this original document is
15 ineffective and void unless mutually agreed by the parties in writing.

16 8. Respondent understands that the Consent Agreement shall not become effective unless and
17 until adopted by the Board and signed by its Executive Director.

18 9. If a court of competent jurisdiction rules that any part of this Consent Agreement is void
19 or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full force and effect.

20 10. Respondent understands and agrees that if the Board does not adopt this Consent
21 Agreement, he will not assert as a defense that the Board's consideration of this Consent Agreement
22 constitutes bias, prejudice, prejudgment or other similar defenses.

23 11. Respondent understands that this Consent Agreement is a public record that may be
24 publicly disseminated as a formal action of the Board and may be reported as required by law to
25 the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.
26



1 12. Respondent understands that any violation of this Consent Agreement constitutes
2 unprofessional conduct under A.R.S. § 32-1901.01 (B) (20) ([i]n this chapter, unless the context otherwise
3 requires, for the purposes of disciplining a pharmacist, pharmacy intern or graduate intern,
4 "unprofessional conduct" means the following, whether occurring in this state or elsewhere: violating a
5 formal order, terms of probation, a consent agreement or a stipulation issued or entered into by the board
6 or its executive director pursuant to this chapter), which shall result in disciplinary action under A.R.S. §
7 32-1927(A)(1).

8 **REVIEWED AND ACCEPTED BY**

9
10 Peter Yee
11 **PETER YEE, R.Ph.**

March 8, 2006
DATE

12 Sylvia Jencik
13 **Notary Public** **SYLVIA JENCIK**
14 **NOTARY PUBLIC ST. CLAIR CO., MI**
15 **MY COMMISSION EXPIRES Jan 22, 2007**
ACTING IN WASHTENAW COUNTY, MI



15 **FINDINGS OF FACT**

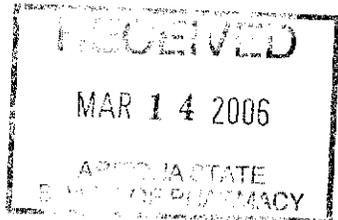
16 By stipulation of the parties, this Consent Agreement is entered into for final disposition of the
17 matters described herein. Respondent admits to the following Findings of Fact:

18 13. The Board is the duly constituted authority for the regulation and control of the practice
19 of pharmacy in the State of Arizona.

20 14. The Board possesses jurisdiction over the subject matter and over Respondent as a
21 licensee of the Board.

22 15. Respondent is the holder of a Pharmacist License No. 8196 which permits him to engage in
23 the practice of pharmacy in the State of Arizona.

24 16. On January 25, 2005, Respondent appeared before the Board to respond to allegations that
25 he dispensed about 15 pints of Phenergan with Codeine for his personal use without having a valid
26 prescription from 2001 to 2003.



1 17. The Board received a complaint from the Administrative Board of Veterans Administration
2 claiming Respondent dispensed to himself Phenergan with Codeine without a valid prescription from
3 2001 to 2003. Further, the complaint alleged that Respondent stole the Phenergan with Codeine from the
4 Veterans Administration Pharmacy while employed by the Veterans Administration in Michigan.

5 18. Respondent affirmed to the Board that he stole 3 to 4 pints of Phenergan with Codeine
6 each year from 2001 to 2003, while he was employed as a pharmacist for the Veterans Administration.
7 Further, Respondent admitted that when he stole the Phenergan with Codeine he also forged prescriptions
8 to cover the shortages.

9 19. Respondent also admitted that he stole the Phenergan with Codeine to control a chronic
10 cough that he developed while serving in the U.S. Army. Respondent claimed that his HMO physician
11 refused to give him Phenergan with Codeine and he could not get another physician to prescribe him the
12 medication. Respondent admitted his actions were illegal and wrong, but since that time he has not
13 committed these acts.

14 **CONCLUSIONS OF LAW**

15 20. The Board is the duly constituted authority for the regulation and control of the practice
16 of pharmacy in the State of Arizona, under A.R.S. § 32-1901, *et seq.*

17 21. The conduct and circumstance described in the above Findings of Fact constitute
18 unprofessional conduct and are grounds for disciplinary action under A.R.S. § 32-1927(A)(1)
19 to wit:

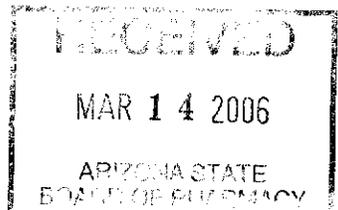
20 **A.R.S. § 32-1927 (A)(1):** A pharmacist, pharmacy intern or graduate intern is subject to
21 disciplinary action by the board for any of the following:

22 The board determines that the licensee has committed an act of unprofessional conduct.

23 22. The conduct and circumstances described in the above Findings of Fact constitute
24 unprofessional conduct and are violations of **A.R.S. § 32-1901.01(B)(10), (11), (16) & (19)** to-wit:

25 **A.R.S. § 32-1901.01(B)(10), (11), (16) & (19):** In this chapter, unless the context otherwise
26 requires, for the purposes of disciplining a pharmacist, pharmacy intern or graduate intern,
"unprofessional conduct" means the following, whether occurring in this state or elsewhere:

10. Violating a federal or state law or administrative rule relating to marijuana,



1 prescription-only drugs, narcotics, dangerous drugs, controlled substances or precursor
2 chemical when determined by the board or by conviction in a federal or state court.

3 11. Knowingly dispensing a drug without a valid prescription order as required pursuant
4 to § 32-1968, subsection A.

5 16. Committing an offense in another jurisdiction that if committed in this state would
6 be grounds for discipline.

7 19. Violating or attempting to violate, directly or indirectly, or assisting in or abetting in
8 the violation of, or conspiring to violate, this chapter.

9 **ORDER**

10 Under A.R.S. § 32-1928, 41-1092.07 (F)(5), and A.A.C. R4-23-122(C), and the above Findings of
11 Fact and Conclusions of Law, the Board **HEREBY ORDERS** that:

12 23. Pharmacy License No. 8196, which was issued to Respondent for the practice of
13 pharmacy in the State of Arizona, is hereby placed on **PROBATION** for one (1) year, which
14 probation shall begin when the Board receives confirmation that Respondent has passing the
15 Multistate Pharmacy Jurisprudence Examination ("MPJE") as specified in Paragraph 28.

16 The **PROBATION** is subject to the following conditions:

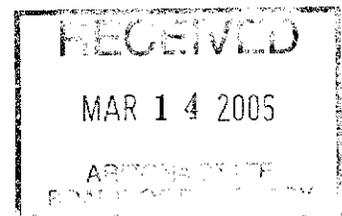
17 24. Respondent is required to furnish all pharmacy employers with a copy of this Board Order
18 throughout the term of his probation.

19 25. Respondent shall not serve as a preceptor pharmacist or pharmacist-in-charge throughout
20 the term of his probation.

21 26. Respondent is required to advise the Board immediately of any change in pharmacy
22 employment status throughout the term of his probation.

23 27. Respondent shall furnish the Board with a list of all jurisdictions in which he maintains or
24 has maintained licensure in the profession of pharmacy along with the registration number of said
25 licenses.

26 28. Respondent shall take and pass the MPJE with a score of seventy-five percent (75%) or
better, within ninety (90) days from the effective date of this Order. If Respondent fails the examination,



1 he can retake the examination one more time; however, the retaking of the examination shall occur within
2 one hundred eighty (180) days from the effective date of this Order.

3 29. Respondent shall pay all fees and complete all continuing education requirements
4 throughout the term of his probation to maintain Pharmacy License No. 8196.

5 30. Respondent shall obey all federal and state laws and rules governing the practice of
6 pharmacy.

7 31. Respondent shall appear in person before the Board to respond to questions or concerns
8 regarding his compliance with this Order when requested by the Board.

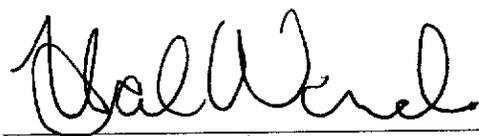
9 32. If Respondent violates this Order in any way or fails to fulfill the requirements of this
10 Order, the Board, after giving the Respondent notice and the opportunity to be heard, may revoke, suspend
11 or take other disciplinary actions against the Respondent. The issue at such a hearing will be
12 limited solely to whether this Order has been violated.

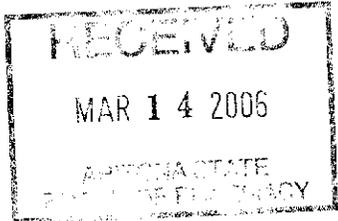
13 33. Respondent shall personally appear before the Board to request termination of his
14 probation. Respondent's failure to petition the Board to terminate his probation shall extend the
15 probation.

16 34. This Order shall become effective ten (10) days from the date this Consent Agreement is
17 signed.

18 DATED this 17th day of March, 2006

20 ARIZONA STATE BOARD OF PHARMACY

21
22 
23 _____
24 Hal Wand, R.Ph.,
25 Executive Director

26

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ARIZONA STATE BOARD OF PHARMACY

1 ORIGINAL of the foregoing, fully executed,
2 filed this day of March 2006, with:

3 Arizona State Board of Pharmacy
4 4425 W. Olive Avenue, #140
5 Glendale, Arizona 85302

6 Copy of the foregoing sent via
7 Certified US mail this day of
8 February, 2006 to:

9 Peter Yee, R.Ph.
10 1938 Woodslee
11 Troy, MI 48083

12 Copy or the foregoing mailed
13 this day of February, 2006 to:

14 Roberto Pulver
15 Assistant Attorney General
16 1275 W. Washington, CIV/LES
17 Phoenix, Arizona 85007
18 Attorney for the State

19 By: 
20 #466411 70041350000227453591

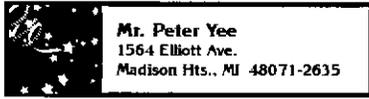
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3/10/06



Michigan from August, 1979 to present
5302024117

Nevada from November, 1981 to March, 2006
08478, no longer active.

Arizona from October, 1984 to present
8196

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Peter Yee.R.Ph.
1938 Woodslee
Troy, MI 48083

COMPLETE THIS SECTION BY DELIVERY

A. Signature  Agent Addressee

B. Received by (Printed Name) C. Date of Delivery
3-306

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

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3. Service Type: **PHARMACY**
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) 7004 1350 0002 2745 3591

February 28, 2006

Peter Yee, RPh
1938 Woodslee
Troy, MI 48083

Dear Mr. Yee,

This letter and accompanying documents contain a written stipulated agreement and Board Order. The Consent Agreement contains allegations which are violations of pharmacy statutes or rules.

The Board Order is consistent with Board action on similar matters in Arizona. If you wish to forego the expense and uncertainty of a formal hearing before the Board at a Board meeting, please sign the Consent to Entry Order document, have it notarized, and return it to me at this office. The full Board will decide to accept or reject the Order at the next regularly scheduled Board meeting.

I would appreciate hearing from you as soon as possible, whether or not you decide to accept the Consent Agreement, before the 15th day of March, 2006.

Please contact me at this office to verify understanding of the documents or to clarify any issues that concern you.

Sincerely,

Hal Wand
Executive Director