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8 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

9 In the Matter of

10 **VAN LIEU**

11 Holder of License No. 15026  
12 For the Practice of Pharmacy  
13 In the State of Arizona

**07-0023-PHR**

**CONSENT AGREEMENT  
FOR PROBATION**

14  
15 **RECITALS**

16 In the interest of a prompt and judicious settlement of this case, consistent with the  
17 public interest, statutory requirements and the responsibilities of the Arizona State Board  
18 of Pharmacy ("Board") and under A.R.S. §§ 32 1901, *et. seq.* and 41 1092.07(F)(5), Van  
19 Lieu ("Respondent"), holder of Pharmacist License Number 15026 in the State of  
20 Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions  
21 of Law and Order ("Consent Agreement") as a final disposition of this matter.

22 1. Respondent has read and understands this Consent Agreement and has had  
23 the opportunity to discuss this Consent Agreement with an attorney, or has waived the  
24 opportunity to discuss this Consent Agreement with an attorney.  
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1           2.     Respondent understands that he has a right to a public administrative  
2 hearing concerning the above-captioned matter, at which hearing he could present  
3 evidence and cross examine witnesses. By entering into this Consent Agreement,  
4 Respondent knowingly and voluntarily relinquishes all right to such an administrative  
5 hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or  
6 any other administrative and/or judicial action, concerning the matters set forth herein.

7           3.     Respondent affirmatively agrees that this Consent Agreement shall be  
8 irrevocable.

9           4.     Respondent understands that this Consent Agreement or any part of the  
10 agreement may be considered in any future disciplinary action by the Board against him.

11          5.     Respondent understands this Consent Agreement deals with Board Case  
12 No. 3203 involving allegations of unprofessional conduct against Respondent. The  
13 investigation into these allegations against Respondent shall be concluded upon the  
14 Board's adoption of this Consent Agreement.

15          6.     Respondent understands that this Consent Agreement does not constitute a  
16 dismissal or resolution of any other matters currently pending before the Board, if any,  
17 and does not constitute any waiver, express or implied, of the Board's statutory authority  
18 or jurisdiction regarding any other pending or future investigation, action or proceeding.

19          7.     Respondent also understands that acceptance of this Consent Agreement  
20 does not preclude any other agency, subdivision, or officer of this State from instituting  
21 any other civil or criminal proceedings with respect to the conduct that is the subject of  
22 this Consent Agreement.

23          8.     All admissions made by the Respondent in this Consent Agreement are  
24 made solely for the final disposition of this matter, and any related administrative pro-  
25 ceedings or civil litigation involving the Board and Respondent. Therefore, any admis-  
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1 sions made by Respondent in this Consent Agreement are not intended for any other use,  
2 such as in the context of another regulatory agency's proceedings, or civil or criminal  
3 proceedings, whether in the State of Arizona or in any other state or federal court.

4 9. Respondent acknowledges and agrees that, upon signing this Consent  
5 Agreement and returning this document to the Board's Executive Director, he may not  
6 revoke his acceptance of the Consent Agreement or make any modifications to the  
7 document regardless of whether the Consent Agreement has been signed by the Execu-  
8 tive Director. Any modification to this original document is ineffective and void unless  
9 mutually agreed by the parties in writing.

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

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

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

18 13. Respondent understands that this Consent Agreement is a public record that  
19 may be publicly disseminated as a formal action of the Board and may be reported as  
20 required by law to the National Practitioner Data Bank and the Healthcare Integrity and  
21 Protection Data Bank.

22 14. Respondent understands that any violation of this Consent Agreement  
23 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-  
24 1901.01(B)(20), -1927(A)(1).

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1 ACCEPTED AND AGREED BY RESPONDENT

2   
3 \_\_\_\_\_  
4 Van Lieu

Dated: 1/9/2007

4 Subscribed and sworn to before me in the County of \_\_\_\_\_, State of \_\_\_\_\_,  
5 this \_\_\_\_ day of \_\_\_\_\_, 2007, by Van Lieu.

7 \_\_\_\_\_  
8 NOTARY PUBLIC

9 My Commission expires: \_\_\_\_\_

10 **FINDINGS OF FACT**

- 11 1. The Arizona State Board of Pharmacy ("Board") is the duly constituted
- 12 authority for licensing and regulating the practice of pharmacy in the State of Arizona.
- 13 2. Van Lieu ("Respondent") is the holder of license number 15026 to
- 14 practice as a pharmacist in the State of Arizona.
- 15 3. During all times relevant to these Findings, Respondent served as the
- 16 Pharmacist at CVS Pharmacy #9260 in Chandler, Arizona ("Pharmacy").
- 17 4. On or about April 24, 2006, Board staff received information that the
- 18 Pharmacy had misfilled a prescription.
- 19 5. The patient's prescription for Primidone 50 mg was filled with
- 20 Prednisone 50mg, 1/2 to 1 tablet at bedtime for one week, then take one tablet twice daily.
- 21 The patient took the medication for approximately three weeks.

22 **CONCLUSIONS OF LAW**

- 23 1. The Board possesses jurisdiction over the subject matter and over
- 24 Respondent pursuant to A.R.S. § 32-1901 *et seq.*



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- d. Respondent shall furnish the Board with a list of all jurisdictions in which he maintains or has maintained licensure in the profession of pharmacy along with the registration numbers of said licenses.
- e. Respondent shall obey all federal and state laws and rules governing the practice of pharmacy.
- f. The term of probation shall expire on July 25, 2007 if Respondent has complied with all of the terms of probation and no subsequent consumer complaints have been received or investigated by the Board staff.

DATED this 25<sup>th</sup> day of January, 2007.

ARIZONA STATE BOARD OF PHARMACY

(Seal)

By: Hal Wand  
HAL WAND, R.Ph.  
Executive Director

1 ORIGINAL OF THE FORGOING FILED  
this \_\_\_\_ day of \_\_\_\_\_, 2007, with:

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

5 EXECUTED COPY OF THE FOREGOING MAILED  
BY REGULAR MAIL  
this \_\_\_\_ day of \_\_\_\_\_, 2007, to:

6 Van Lieu  
7 661 W. Azalea Drive  
8 Chandler, Arizona 85248  
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