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

10 In the Matter of

11 **CHANG PAK**

12 Holder of License No. S015130
13 To Practice as a Pharmacist in the State of
Arizona

Board Case No. 11-0049-PHR

**CONSENT AGREEMENT
AND ORDER FOR SUSPENSION
AND PROBATION**

14

15 In the interest of a prompt and judicious settlement of this case, consistent with the
16 public interest, statutory requirements and the responsibilities of the Arizona State Board
17 of Pharmacy (“Board”) under A.R.S. § 32-1901, *et. seq.*, Chang Pak (“Respondent”),
18 holder of Pharmacist License Number S015130 in the State of Arizona, and the Board
19 enter into the following Recitals, Findings of Fact, Conclusions of Law and Order
20 (“Consent Agreement”) as a final disposition of this matter.

21

RECITALS

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 this matter, at which hearing he could present evidence and cross
3 examine witnesses. By entering into this Consent Agreement, Respondent knowingly
4 and voluntarily relinquishes all right to such an administrative hearing, as well as rights
5 of rehearing, review, reconsideration, appeal, judicial review or any other administrative
6 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
12 complaint number 3933 involving allegations of unprofessional conduct against
13 Respondent. The investigation into these allegations against Respondent shall be
14 concluded upon the 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. Respondent acknowledges and agrees that, upon signing this Consent
24 Agreement and returning this document to the Board's Executive Director, he may not
25 revoke his acceptance of the Consent Agreement or make any modifications to the
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1 document regardless of whether the Consent Agreement has been signed by the
2 Executive Director. Any modification to this original document is ineffective and void
3 unless mutually agreed by the parties in writing.

4 9. This Consent Agreement is subject to the approval of the Board and is
5 effective only when accepted by the Board and signed by the Executive Director. In the
6 event that the Board does not approve this Consent Agreement, it is withdrawn and shall
7 be of no evidentiary value and shall not be relied upon nor introduced in any action by
8 any party, except that the parties agree that should the Board reject this Consent
9 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the
10 Board was prejudiced by its review and discussion of this document or any records
11 relating thereto.

12 10. 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 11. Respondent understands that this Consent Agreement is a public record that
16 may be publicly disseminated as a formal action of the Board and may be reported as
17 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
18 Protection Data Bank.

19 12. Respondent understands that any violation of this Consent Agreement
20 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
21 1901.01(B)(20), -1927(A)(1).

22 13. Respondent agrees that the Board will adopt the following Findings of Fact,
23 Conclusions of Law and Order.

24 ...

25 ...

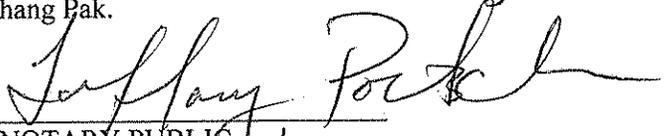
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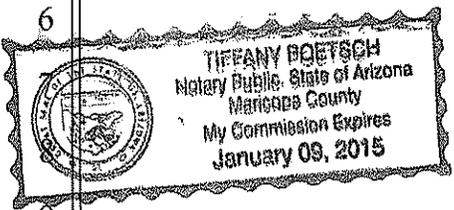
1 ACCEPTED AND AGREED BY RESPONDENT

2 
3 Chang Pak
Chang Pak

Dated: 6-6-2011

4 Subscribed and sworn to before me in the County of Mavicopa, State of Arizona,
5 this 6 day of June, 2011, by Chang Pak.


NOTARY PUBLIC



My Commission expires: January 09, 2015

9 **FINDINGS OF FACT**

- 10 1. The Board is the duly constituted authority for licensing and regulating the
- 11 practice of pharmacy in the State of Arizona.
- 12 2. Respondent is the holder of license number S015130 to practice as a
- 13 pharmacist in the State of Arizona.
- 14 3. Respondent's substance abuse problems make him currently unable to
- 15 safely practice the profession of pharmacy.
- 16 4. On March 18, 2011, Respondent entered in-patient treatment at the River
- 17 Source Treatment Center for his substance abuse issues. Respondent has successfully
- 18 completed the in-patient program.

19 **CONCLUSIONS OF LAW**

- 20 1. The Board possesses jurisdiction over the subject matter and over
- 21 Respondent pursuant to A.R.S. § 32-1901 *et seq.*
- 22 2. Pursuant to A.R.S. § 32-1927(A)(1), the Board may discipline a pharmacist
- 23 who has engaged in unprofessional conduct.
- 24 3. The conduct and circumstances described above constitutes unprofessional
- 25 conduct pursuant to A.R.S. § 32-1901.01(B)(1) (Addiction to the use of alcohol or other
- 26

1 drugs to such a degree as to render the licensee unfit to practice the profession of
2 pharmacy).

3 **ORDER**

4 Based upon the above Findings of Fact and Conclusions of Law, the Board issues
5 the following Order:

6 1. Respondent's Pharmacist License No. S015130 is hereby **SUSPENDED**,
7 subject to the following terms and conditions:

8 A. Respondent's license is suspended for at least six (6) months from
9 **March 18, 2011**, the date Respondent entered in-patient substance abuse
10 treatment. The period of suspension shall be determined by the Board after
11 reviewing (i) information from Pharmacists Assisting Pharmacists of Arizona
12 ("PAPA") regarding Respondent's compliance with the terms of his PAPA
13 program/contract; (ii) a progress report/recommendation from Respondent's
14 PAPA counselor, which may be submitted in writing to the Board; and (iii) any
15 input from Respondent.

16 B. No sooner than six (6) months from **March 18, 2011**, Respondent
17 may request in writing that the Board terminate the suspension. Respondent's
18 request to terminate suspension will be considered at a regularly scheduled Board
19 meeting. Respondent is required to personally appear at that Board meeting.

20 C. Respondent shall, within ten (10) days of the effective date of this
21 Order, return his pharmacist license to the Board office for the period of
22 suspension.

23 D. Respondent shall comply with any and all recommendations made
24 by the River Source Treatment Center regarding Respondent's continuing
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1 recovery. Any failure to comply with the recommendations by the River Source
2 Treatment Center is a violation of this Consent Agreement.

3 E. If he has not already done so, Respondent shall immediately sign
4 a contract with PAPA which shall extend for the entire term of his suspension
5 and probation under this Consent Agreement. Respondent shall abide by each
6 and every requirement of the PAPA contract. Failure to participate in the PAPA
7 program, complete the PAPA program, or to abide by the PAPA contract's terms
8 is a violation of this Order.

9 2. Upon termination of the period of suspension by the Board, Respondent's
10 reinstated license shall immediately be placed on **PROBATION**. Respondent's
11 probation is subject to the following conditions:

12 A. No sooner than five (5) years from the beginning of Respondent's
13 probationary period, Respondent shall request in writing that the Board terminate
14 his probation. Respondent's request for termination will be considered at a
15 regularly scheduled Board meeting. Respondent is required to personally appear
16 at that Board meeting. Respondent's probationary period will continue until
17 Respondent's request for termination is received and the Board terminates the
18 probation.

19 B. Respondent shall continue to comply with the terms of his PAPA
20 contract.

21 C. Respondent shall furnish all pharmacy employers with a copy of this
22 Consent Agreement. Respondent shall ensure that all pharmacy employers submit
23 to the Board a written acknowledgement that they have received a copy of this
24 Consent Agreement within ten (10) days of entering into an employment
25 relationship with Respondent.
26

1 D. Respondent shall not serve as a preceptor pharmacist or pharmacist
2 in charge.

3 E. Respondent shall advise the Board within ten (10) days of any
4 change in pharmacy employment status.

5 3. Within five (5) years from the execution date of this Consent Agreement,
6 Respondent shall complete 400 hours of community service approved by Board staff.
7 Respondent shall ensure that all entities to which he provides community service verify
8 in writing to the Board the number of hours completed within 30 days of Respondent
9 completing the community service.

10 4. Respondent shall pay all necessary fees and complete all continuing
11 education requirements throughout the term of his suspension and probation.

12 5. Throughout the term of Respondent's suspension and probation,
13 Respondent shall personally appear before the Board when requested to do so by the
14 Board or Board staff.

15 6. Respondent shall furnish the Board with a list of all jurisdictions in which
16 he maintains or has maintained licensure in the profession of pharmacy along with the
17 registration numbers of said licenses.

18 7. Respondent shall obey all federal and state laws and rules governing the
19 practice of pharmacy.

20 8. Respondent shall execute all appropriate release of information forms to
21 permit the Respondent's treatment professionals and PAPA to communicate with the
22 Board regarding Respondent's treatment.

23 9. Respondent shall pay all costs associated with complying with this Consent
24 Agreement, including all expenses associated with PAPA.

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1 10. If Respondent violates this Order in any way or fails to fulfill the
2 requirements of this Order, the Board, after giving the Respondent notice and the
3 opportunity to be heard, may revoke, suspend or take other disciplinary actions against
4 Respondent's license. The issue at such a hearing will be limited solely to whether this
5 Order has been violated.

6 DATED this 8th day of JULY, 2011.

8 ARIZONA STATE BOARD OF PHARMACY

9
10 (Seal)

11 By:



HAL WAND, R.Ph.
Executive Director

13 ORIGINAL OF THE FORGOING FILED
14 this 8 day of July, 2011, with:

15 Arizona State Board of Pharmacy
1700 West Washington, Suite 250
16 Phoenix, Arizona 85007

17 EXECUTED COPY OF THE FOREGOING MAILED
BY FIRST-CLASS and CERTIFIED MAIL

18 this 8 day of July, 2011, to:

NO CERT
PER C.P.
6-6-11
TNP

19 Chang Pak
5353 S. Pinaleno Pl.
20 Chandler, AZ 85249
21 Respondent

22 EXECUTED COPY OF THE FOREGOING MAILED
this 8 day of July, 2011, to:

23
24 Elizabeth A. Campbell
Assistant Attorney General
1275 W. Washington Street, CIV/LES
25 Phoenix, Arizona 85007
26 Attorney for the Board