

BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSES OF
LSJ FAMILY DRUG
TO PRACTICE AS A CLASS A PHARMACY
AND AS A DISPENSARY OF CONTROLLED
SUBSTANCES IN THE STATE OF UTAH

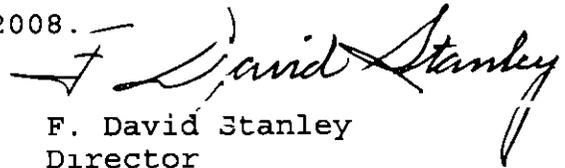
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: **ORDER REINSTATING LICENSE**
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: Case No. DOPL-2006-146
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BY THE DIVISION:

Respondent has satisfied the terms and conditions as set forth in the Division's Stipulation and Order, dated June 26, 2006 in the above-referenced case number

IT IS HEREBY ORDERED the probation on the licenses of LSJ FAMILY DRUG to practice as a Class A pharmacy and as a dispensary of controlled substances is terminated and said licenses be reinstated with full privileges effective the date of this Order.

Dated this 8 day of May, 2008.


F. David Stanley
Director

S E A L



L MITCHELL JONES (U S B 5979)
Assistant Attorney General
MARK L SHURTLEFF (U S B 4666)
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**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF THE LICENSE OF)
LSJ FAMILY DRUG) **STIPULATION AND ORDER**
TO OPERATE AS A)
PHARMACY) **CASE NO DOPL 2006-- 146**
IN THE STATE OF UTAH)

LSJ FAMILY DRUG (“Respondent”) and the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah (“Division”) stipulate and agree as follows

1 Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action Joseph G Johnson is the owner/pharmacist-in-charge of LSJ Family Drug and is authorized to act in its behalf

2 Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily

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3 The Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter

4 Respondent understands that Respondent is entitled to a hearing before the Utah State Board of Pharmacy ("the Board"), or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses Respondent acknowledges that by executing this document Respondent hereby waives the right to a hearing and any other rights to which Respondent may be entitled in connection with said hearing

5 Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter

6 Respondent acknowledges that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document and may be released to other persons and entities

7 On behalf of Respondent, Joseph G Johnson admits the following facts

- a Respondent pharmacy is located in Hilldale, Utah
- b On January 20, 2006, Division investigators conducted an inspection of LSJ Family Drug The following violations were found
 - 1 Three unlicensed pharmacy technicians were employed by LSJ Family Drug
 - 2 LSJ Family Drug does not have a Division and Board approved pharmacy technician training program
 - 3 LSJ Family Drug personnel did not wear required identification

- 4 Required patient offer to counsel documentation was not kept by LSJ Family Drug
- 5 Outdated legend drugs and outdated controlled substances were located on dispensing shelves
- 6 Licenses for the pharmacy and pharmacist-in-charge were not posted where customers could view them
- 7 The pharmacy area was not clean and sanitary Food items were located in the dispensing area
- 8 LSJ Family Drug did not possess current copies of "FDA Approved Drug Products" and "Code of Federal Regulations"
- 9 LSJ Family Drug employees failed to request required identification is from patients when controlled substance prescriptions were filled
- 10 LSJ Family Drug did not possess a daily printout of controlled substance prescriptions dispensed
- 11 Several controlled substance prescriptions were not dispensed in the same name as that written by the prescribing practitioner

8 Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann § 58-1-501(2)(a), § 58-37-7 5, Utah Administrative Code R156-17b-304, 601, 603 and 614, and R156-37-602, and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann § 58-1-401(2)(a) Therefore, Respondent agrees that an Order, which constitutes disciplinary action, shall be entered in this matter as follows

- 1 Respondent's license shall be placed on probation for a period three years subject to the terms and conditions below The probation period shall commence on the date that the Division Director signs the attached Order
 - a Respondents shall pay a fine in the amount of \$2,000 00 (two-thousand dollars), pursuant to Utah Code Ann § 58-17b-504(5)(b), to the Division within 90 days of the effective date of the Order in this

matter

- b Joseph G Johnson, on behalf of Respondent, shall meet with the Board at its first scheduled meeting after the effective date of this Order to discuss Respondent's practice plan for rectifying each of the violations described above. The written practice plan shall be present by Joseph G Johnson to the Board at the first scheduled meeting following the effective date of this Stipulation and Order, and shall include, but not be limited to
 - i Documentation of policies and procedures established at LSJ Family Drug for correcting the problems cited above, including the issues of unlicensed pharmacy technicians, wearing of nametags, obtaining identification from patients receiving controlled substances, patient counseling, daily controlled substance printouts, and the maintenance and storage of outdated medications, and
 - ii Documentation of efforts made by Joseph G Johnson, owner and pharmacist-in-charge of LSJ Family Drug to maintain current pharmacy and drug reference materials, including current state and federal laws, rules, and regulations that govern the practice of pharmacy and FDA approved drug products
 - iii Documentation of policies regarding the proper labeling of patient medications reflecting the actual name on the prescription label with the name written on the prescription from the physician in accordance with state and federal law
- c Respondent and Joseph G Johnson shall comply with all of these documented policies and procedures approved by the Board and Division
- d Respondents must maintain a current license at all times during the period of probation
- e In the event Respondent, or Joseph G Johnson, on behalf of Respondent, violates or fails to fulfill any terms or conditions as contained in this Stipulation, the Division may, in addition to taking action as provided for herein, after giving Respondent notice and the opportunity to be heard may impose any sanction stayed in this Stipulation and Order

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- f Joseph G Johnson, on behalf of Respondent, shall attend two hours of Board approved continuing education programs related to law and ethics in pharmacy practice, and shall attend four hours of Board approved training related to medication safety in addition to fulfilling regular continuing education requirements All six hours of additional continuing education must be completed within six months of the effective date of this Stipulation and Order
- g Joseph G Johnson, on behalf of Respondent, shall provide proof of his continuing professional education for the license renewal period that ended May 31, 2005

9 This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this matter Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and the Respondent waive any claim of bias or prejudgment Respondent might have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification

10 Respondent and Joseph G Johnson agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's practice of Pharmacy Joseph G Johnson shall immediately notify the Division in writing of any change in Respondent's physical residential or business address

11 This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order There are no verbal agreements that modify, interpret, construe or affect this Stipulation

12 The terms and conditions of this Stipulation and Order become effective

immediately upon the approval of this Stipulation and signing of the Order by the Division Director Respondent must comply with all the terms and conditions of this Stipulation immediately following the Division Director's signing of the Order page of this Stipulation and Order Respondent shall complete all the terms and conditions contained in the Stipulation and Order in a timely manner If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Board Failure to complete a term or condition in a timely manner shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions

13 If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction

14 Respondent has read each and every paragraph contained in this Stipulation and Order Respondent understands each and every paragraph contained in this Stipulation and Order Respondent has no questions about any paragraph or provision contained in this Stipulation and Order

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

BY *Diana Baker*
DIANA BAKER
Bureau Manager

DATE *June 26, 2006*
6

MARK L SHURTLEFF
ATTORNEY GENERAL

BY *Mark A*
L MITCHELL JONES
Counsel for the Division

DATE *26 June 2006*

RESPONDENT

BY *Joseph G Johnson*
JOSEPH G JOHNSON
Pharmacist-in-Charge
LSJ Family Drug

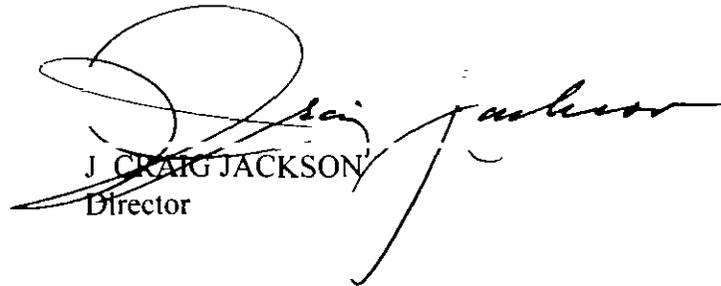
DATE *6-23-06*

ORDER

THE ABOVE STIPULATION, in the matter of **LSJ FAMILY DRUG** is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 26th day of June, 2006

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


J. CRAIG JACKSON
Director

Investigator Sandra Hess