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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)
CATHERINE WILLIAMS) STIPULATION AND ORDER
TO PRACTICE AS A)
PHARMACY TECHNICIAN) CASE NO DOPL 2010-10
IN THE STATE OF UTAH)

CATHERINE WILLIAMS ("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
- 2 Respondent acknowledges that Respondent enters into this Stipulation knowingly and
voluntarily

1

3 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 State of Utah's Board of Pharmacy ("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 understands that by signing this document Respondent hereby waives the right to a hearing, the right to present evidence on Respondent's own behalf, the right to call witnesses, the right to confront adverse witnesses, and any other rights to which Respondent may be entitled in connection with said hearing Respondent understands that by signing this document Respondent hereby knowingly and intelligently waives the right to all administrative and judicial review as set forth in §§ 63G-4-301 through 63G-4-405, and Utah Administrative Code R151-46b-12 through R151-46b-15

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 The Division may release this Stipulation and Order, and will release other information about this disciplinary action against Respondent's licenses, to other persons and entities

7 Respondent admits the following facts are true

- a On or about August 5, 1997 Respondent was first licensed to practice as a pharmacy technician in the State of Utah

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- b Respondent is a pharmacy technician and co-owner of Williams Family Drug, LLC, located in Grantsville, Utah
 - c On or about April 25, 2008 a Division investigator arrived at Williams Family Drug to investigate a case involving inaccurate information being reported to the database. The Division investigator noted that Respondent was working within the pharmacy without a pharmacist present. Respondent was advised that this practice was a violation of the Utah Pharmacy Practice Act
 - d On or about September 14, 2009 a Division investigator arrived at Williams Family Drug to investigate a case involving inaccurate information being reported to the database. The Division investigator observed that Respondent was working within the pharmacy without a pharmacist present
 - e On or about October 8, 2009 two Division investigators conducted an inspection at Williams Family Drug. The investigators observed that the pharmacy was open for an hour with only one pharmacy technician (Respondent) in the pharmacy and without any pharmacist present. Respondent was observed Respondent dispense prescriptions to customers, accept prescriptions dropped off by customers, and receive drug deliveries from the pharmacy's wholesale distributor. The inspection yielded several different violations. The most notable violations were as follows:
 - (i) An unauthorized individual had access to the pharmacy and was practicing pharmacy without a pharmacist present, as described above,
 - (ii) The pharmacy had previously employed an unlicensed pharmacy technician within the pharmacy who was not exempt from licensure
 - (iii) Staff did not offer to counsel customers, and the documentation for counseling was not recorded or maintained
 - (iv) The pharmacy had never properly conducted an opening controlled substance inventory for schedule III through V controlled substances and had failed to complete a schedule III-V controlled substance inventory since its initial opening date
 - (v) The pharmacy failed to identify a "beyond use" date on all of its prescription labels
 - (vi) Numerous outdated medications were found within stock inventory
 - (vii) Positive identification was not obtained from each customer for each controlled substance dispensed. Concerns exist over the ability of the pharmacy

to positively identify the person to whom each controlled substance is being dispensed

(viii) Outdated medications, prescription records, and all pharmacy records are stored and maintained outside the pharmacy area, and the records are assessable by non-pharmacy staff and potentially the general public

(ix) Inaccurate information continued to be reported to the CSDB despite the fact that two separate letters of concern had been issued to the Respondent in the past

8 Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann § 58-1-501(2)(a), (i), and (j), and unlawful conduct as defined in Utah Code Ann § 58-1-501(1)(a), and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann § 58-1-401(2)(a) and (b) Respondent agrees that an Order, which constitutes disciplinary action against Respondent's licenses by the Division pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann § 58-1-401(2), shall be entered in this matter as follows

- (a) Respondent licenses shall be publicly reprimanded for the conduct described in paragraph 7 above
- (b) Respondent shall successfully complete four additional hours of continuing professional education with one year of the effective date of this Stipulation and Order. The four additional hours shall focus on law and ethics. The four additional hours shall be pre-approved by the Division. The four additional hours shall not count toward Respondent's regular continuing professional education requirement, if any

9 This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this non-criminal administrative 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 her having reviewed this Stipulation, and this waiver shall survive such nullification

10 Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's licensed practice

11 Respondent admits that Respondent's conduct described above is unprofessional and unlawful conduct, and that said conduct provides a basis for the Division to issue an Order restraining Respondent from the conduct described in paragraph 7 above in the State of Utah pursuant to Utah Code Ann § 58-1-401(4)

12 Respondent agrees the Division may issue an Order requiring Respondent to cease and desist from engaging in the conduct described above in paragraph 7 Respondent agrees to obey the Order and cease and desist from engaging in the conduct described in paragraph 7

13 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

10 14 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

1
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. Respondent understands that failure to comply with this Order may subject Respondent to a civil penalty of up to \$2,000 (two-thousand dollars) for each day the order is violated pursuant to Utah Code Ann. § 58-1-503(1).

15. 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.

16. 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

RESPONDENT

BY 
LAURA POE
Bureau Manager

BY 
CATHERINE WILLIAMS

DATE 1-11-10

DATE 1/15/2010

MARK L. SHURTLEFF
ATTORNEY GENERAL

BY 
L. MITCHELL JONES
Counsel for the Division

DATE 1/11/10

ORDER

THE ABOVE STIPULATION, in the matter of **CATHERINE WILLIAMS**, 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 issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 20 day of January, 2010

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


MARK B. STEINAGEL
Director

Investigator Jared Memmott