

IN THE MATTER OF
STEPHEN YI, P.D.
PHARMACIST APPLICANT

* BEFORE THE
* STATE BOARD OF
* PHARMACY
* Case No. 11-0-38

* * * * *

FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Pharmacy (the "Board"), and subject to Md. Health Occ. Ann. § 12-101, et seq., (2009 Repl. Vol.) (the "Act"), the Board voted to initially deny Stephen Yi, P.D, (the "Applicant"), a pharmacist license due to violations of the Act. Specifically, the Board charged the Applicant with violation of the following provisions of the Act:

§ 12-313. Denials, reprimands, suspensions, and revocations - Grounds.

- (a) "Convicted" defined.- In this section, "convicted" includes a determination of guilt, a guilty plea, or a plea of nolo contendere followed by a sentence.
- (b) In general.- Subject to the hearing provisions of § 12-315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant for a pharmacist's license, reprimand any licensee, place any licensee on probation, or suspend or revoke a license of a pharmacist if the applicant or licensee:
 - (24) Is disciplined by a licensing or disciplinary authority of any state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes [.]

The grounds for disciplinary action under the Board's disciplinary statutes are as follows:

- (2) Fraudulently or deceptively uses a license;



- (5) Provides professional services while:
 - (ii) Using any narcotic or controlled dangerous substance, as defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication;
- (15) Dispenses any drug, device, or diagnostic for which a prescription is required without a written, oral, or electronically transmitted prescription from an authorized prescriber;
- (16) Except as provided in § 12-506 of this title, unless an authorized prescriber authorizes the refill, refills a prescription for any drug, device, or diagnostic for which a prescription is required;
- (22) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside [;].

The Applicant was given notice of the issues underlying the Board's charges by letter dated May 18, 2011. Accordingly, a Case Resolution Conference was held on November 9, 2011, and was attended by Richard Matens, P.D. and Mayer Handelman, P.D., Board members, Courtney Jackson, Staff of the Board, and Linda Bethman and Brett Felter, Counsel to the Board. Also in attendance were the Applicant, who knowingly and voluntarily waived his right to an attorney, and the Administrative Prosecutor, Roberta Gill.

Following the Case Resolution Conference, the parties and the Board agreed to resolve the matter by way of settlement. The parties and the Board agreed to the following:

FINDINGS OF FACT

1. By application dated February 15, 2010, the Applicant submitted an application to the Board to become a licensed pharmacist in Maryland.

2. The Applicant answered "Yes" to question A. of the application which asks: "Has any State Licensing or Disciplinary Board or comparable body in the Armed Service, denied your application for licensure, reinstatement or renewal, or taken any action against your license, including but not limited to reprimand, suspension, or revocation? If yes, explain and attach a copy of the relevant document." The Applicant wrote: "My pharmacist license was suspended on February 12, 2004. It was reinstated September 11, 2008. I have enclosed documents." The Applicant also answered "Yes" to Question F of the application which asked "Have you pled guilty, nolo contendere, or been convicted of, or received probation before judgment of driving while intoxicated or of a controlled dangerous substance offense? If yes, explain and attach a copy of the relevant document." The Applicant wrote: "I pled guilty to Class I misdemeanor of possession of a schedule 3 controlled substance in Fairfax County Virginia on March 17, 2004."

3. The Applicant forged prescriptions and altered pharmacy records. He was arrested and charged with felony embezzlement and forgery. He was convicted of a misdemeanor involving theft of drugs. As a result, the Virginia Board of Pharmacy suspended his license indefinitely in February 2004, due to his drug use.

4. On September 11, 2008, the Applicant's license was reinstated by the Virginia Board with terms and conditions that he continue to be monitored by the Health Practitioners Intervention Program until November 30, 2012, which would include urine

screens and worksite monitoring.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Applicant violated § 12-313 (a), (b), (24), (2), (5) (ii), (15), (16) and (22).

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 21st day of December, 2011, by a majority of a quorum of the Board,

ORDERED that the Board will issue the Applicant a license to practice pharmacy in Maryland and he shall be placed on immediate PROBATION for Three years, subject to the following conditions:

- A. During the first year of Probation, the Applicant shall continue his substance abuse recovery program monitoring by the Virginia HPMP;
- B. The Applicant shall ensure that the HPMP forwards the monitoring reports to the Maryland Board on at least a monthly basis;
- C. The Applicant shall sign the necessary medical releases to enable the Maryland Board to receive the foregoing documents;
- D. The Applicant's pharmacy Supervisor shall submit progress reports to the Board on a quarterly basis;
- E. During the second and third years of Probation, the Applicant's substance

abuse recovery shall be monitored directly by the Maryland Board, which monitoring shall include the following terms:

1. Continue participation in at least 12 AA/NA meetings per month;
2. Submit to random, Board-ordered urinalysis at least twice a month and comply with the Board's usual and customary provisions regarding urine screen monitoring;
3. If practicing at a Maryland pharmacy, may not work night shifts.

ORDERED that the Consent Order is effective as of the date of its signing by the Board; and be it

ORDERED that the Applicant may petition the Board to modify the terms of Probation after serving two years of Probation, provided that he has been fully compliant with all Probationary terms and has no pending complaints against him;

ORDERED that, should the Board receive a report that the Applicant has violated the Act or if the Applicant violates any conditions of this Order or of Probation, after providing the Applicant with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Applicant, including suspension or revocation. The burden of proof for any action brought against the Applicant as a result of a breach of the conditions of the Order or of Probation shall be on the Applicant to demonstrate compliance with the Order or conditions; and be it

ORDERED that the Applicant shall practice in accordance with the laws and regulations governing the practice of pharmacy in Maryland; and be it further

ORDERED that, at the end of the Probationary period, the Applicant may petition the Board to remove the conditions or restrictions on his license, provided that he can demonstrate compliance with the conditions of this Order. Should the Applicant fail to demonstrate compliance, the Board may impose additional terms and conditions of Probation, as it deems necessary;

ORDERED that for purposes of public disclosure, as permitted by Md. State Gov't. Code Ann. §10-617(h) (Repl. Vol. 2009 and 2011 Supp.), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order and that the Board may also disclose same to any national reporting data bank that it is mandated to report to.



Michael N. Souranis, P.D., President
State Board of Pharmacy

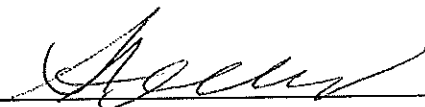
CONSENT OF STEPHEN YI, P.D.

I, Stephen Yi, P.D., acknowledge that I am not represented by counsel and have knowingly and voluntarily waived my right to counsel before entering into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed after any such hearing.

I sign this Consent Order, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

10/12/11
Date



Steven Yi, P.D.

STATE OF Virginia :

CITY/COUNTY OF Fairfax :

I HEREBY CERTIFY that on this 12 day of December, 2011, before
Parekh me, Steven S Yi Purvi Ramesh Parekh, a Notary Public of the foregoing State and (City/County),
(Print Name)

personally appeared **Steven Yi, P.D., Applicant**, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Purvi Ramesh Parekh
Notary Public

My Commission Expires: Nov 30, 2013

