

2009 JUL 16 P 2: 54

HEARINGS OFFICE



BOARD OF PHARMACY
OFFICE OF ADMINISTRATIVE HEARINGS
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
STATE OF HAWAII

In the Matter of the License to Practice)	PHA 2008-21-L
Pharmacy of)	
)	BOARD'S FINAL ORDER
SCARLETT ECKERT,)	
)	
Respondent.)	
_____)	

BOARD'S FINAL ORDER

On April 23, 2009, the duly appointed Hearings Officer submitted his Findings of Fact, Conclusions of Law and Recommended Order in the above-captioned matter to the Board of Pharmacy ("Board") and to the parties. The parties were subsequently provided an opportunity to file exceptions; however, no exceptions were filed.

Upon review of the entire record of this proceeding, the Board adopts the Hearings Officer's recommended decision as the Board's Final Order. Accordingly, the Board finds and concludes that Respondent violated Hawaii Revised Statutes §§461-8 and 461-21(4). For the violations found, the Board orders as follows:

1. Respondent's license is suspended for the period commencing from the issuance of the Board's Final Order to December 31, 2009, and Respondent shall be required to immediately return all indicia of licensure to the Executive Officer of the Board;
2. Respondent shall pay, within sixty days of the Board's Final Order, a fine of \$500.00. Payment shall be by certified check or money order payable to the "State of Hawaii, Compliance Resolution Fund" and sent to the Regulated Industries Complaints Office,

Department of Commerce and Consumer Affairs, 235 South Beretania Street, ninth floor,
Honolulu, Hawaii 96813; and

3. Payment of the fine and compliance with the continuing education requirements set forth in HRS §461-8 shall be a part of the conditions for reinstatement of license following the period of suspension.

The Board may terminate the suspension prior to December 31, 2009 upon the receipt of documentation from Respondent verifying that she has complied with the continuing education requirements as set forth in HRS §461-8, has made payment of the \$500.00 fine, and has complied with all other requirements for reinstatement of her license.

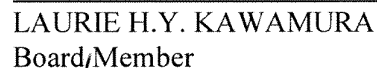
DATED: Honolulu, Hawaii, July 16, 2009.



ELWIN D.H. GOO
Chairperson



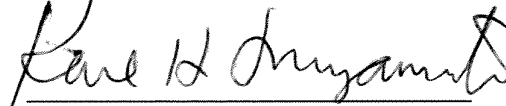
MARK E. BROWN
Vice Chairperson



LAURIE H.Y. KAWAMURA
Board Member



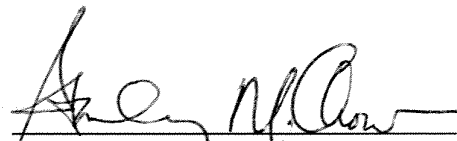
GARRETT A. LAU
Board Member



KARL H. MIYAMOTO
Board Member



PATRICK ADAMS
Board Member



STANLEY M. CHOW
Board Member

Board's Final Order; *In re Scarlett Eckert*; PHA-2008-21-L.



DEPT. OF COMMERCE
AND CONSUMER AFFAIRS

2009 APR 23 P 12: 00

HEARINGS OFFICE

BOARD OF PHARMACY
OFFICE OF ADMINISTRATIVE HEARINGS
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
STATE OF HAWAII

In the Matter of the License to Practice) PHA 2008-21-L
Pharmacy of)
)
SCARLETT ECKERT,) HEARINGS OFFICER'S FINDINGS OF
) FACT, CONCLUSIONS OF LAW AND
) RECOMMENDED ORDER
Respondent.)
_____)

HEARINGS OFFICER'S FINDINGS OF FACT,
CONCLUSIONS OF LAW AND RECOMMENDED ORDER

I. INTRODUCTION

On June 25, 2008, the Department of Commerce and Consumer Affairs, through its Regulated Industries Complaints Office ("Petitioner") filed a petition for disciplinary action against the license to practice pharmacy of Scarlett Eckert ("Respondent"). The matter was set for hearing pursuant to Hawaii Revised Statutes ("HRS") Chapters 91, 92 and 461, and the Notice of Hearing and Pre-Hearing Conference ("Notice") was transmitted to the parties.

On March 10, 2009, the hearing was conducted by the undersigned Hearings Officer. Diane R. Corn, Esq. represented Petitioner. Respondent failed to enter an appearance. Notice having properly been given, the hearing proceeded as scheduled.

Having reviewed and considered the evidence and arguments presented at the hearing, together with the entire record of this proceeding, the Hearings Officer hereby renders the following findings of fact, conclusions of law and recommended order.

II. FINDINGS OF FACT

1. The Board of Pharmacy ("Board") issued Respondent a license to practice pharmacy on August 20, 1980, License No. PH 724. Respondent's license expires on December 31, 2009.

2. By a letter dated February 29, 2008, to Respondent, the Executive Officer of the Board notified Respondent that the Board conducts random audits of licensees to verify that there is evidence satisfactory to the Board that licensees have complied with the continuing education requirement of HRS §461-8 and that she had been selected to submit written verification that she had complied with this requirement.

3. This letter requested that Respondent submit copies of certificates of completion verifying that she complied with the continuing education requirement as soon as possible but not later than April 30, 2008. The letter also notified Respondent that appropriate action will be taken if the Board does not receive the requested information by April 30, 2008.

4. As of the date of the hearing, Respondent did not submit to the Board documentation verifying compliance with the continuing education requirement.

III. CONCLUSIONS OF LAW

Petitioner has charged Respondent with violating HRS §§461-8 and 461-21(4). The evidence presented established that Respondent did not submit documentation verifying compliance with the continuing education requirements, in violation of HRS §461-8. For the violation found, the Hearings Officer concludes that Respondent violated HRS §461-21(4).

IV. RECOMMENDED ORDER

Based on the above, the Hearings Officer recommends that the Board find and conclude that Respondent violated HRS §§461-8 and 461-21(4). For the violations found, the Hearings Officer recommends as follows:

1. Respondent's license be suspended for the period commencing from the issuance of the Board's Final Order to December 31, 2009, and Respondent be required to immediately return all indicia of licensure to the Executive Officer of the Board;

2. Respondent be ordered to pay, within sixty days of the Board's Final Order, a fine of \$500.00. Payment shall be by certified check or money order payable to the "State of Hawaii, Compliance Resolution Fund" and sent to the Regulated Industries Complaints Office, Department of Commerce and Consumer Affairs, 235 South Beretania Street, ninth floor, Honolulu, Hawaii 96813;

3. Payment of the fine and compliance with the continuing education requirements set forth in HRS §461-8 shall be a part of the conditions for reinstatement of license following the period of suspension; and

4. The Board may terminate the suspension prior to December 31, 2009 upon the receipt of documentation from Respondent verifying that she has complied with the continuing education requirements as set forth in HRS §461-8, has made payment of the \$500.00 fine, and has complied with all other requirements for reinstatement of her license.

DATED: Honolulu, Hawaii, APR 23 2009_____.



CRAIG H. UYEHARA
Administrative Hearings Officer
Department of Commerce
and Consumer Affairs