

DIANE R. CORN 3912
Regulated Industries Complaints Office
Department of Commerce and Consumer Affairs
State of Hawaii
Leiopapa A Kamehameha Building
235 S. Beretania Street, Suite 900
Honolulu, Hawaii 96813
Telephone: 586-2660

Attorney for Department of Commerce
and Consumer Affairs

DEPT. OF COMMERCE
AND CONSUMER AFFAIRS

2012 DEC 20 P 1:17

HEARINGS OFFICE

DEPT. OF COMMERCE
& CONSUMER AFFAIRS
STATE OF HAWAII

2012 NOV 14 A 4:50

RECEIVED -
PROF. & VOCATIONAL
LICENSING DIVISION

BOARD OF PHARMACY
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
STATE OF HAWAII

| | | |
|-------------------------|---|-------------------------------------|
| In the Matter of the |) | PHA 2010-49-L |
| Pharmacist's License of |) | |
| |) | SETTLEMENT AGREEMENT AFTER |
| TIMOTHY P. BARTON, |) | FILING OF PETITION FOR DISCIPLINARY |
| |) | ACTION AND BOARD'S FINAL ORDER; |
| Respondent. |) | EXHIBIT "1" |
| |) | |

241092407

SETTLEMENT AGREEMENT AFTER FILING OF PETITION
FOR DISCIPLINARY ACTION AND BOARD'S FINAL ORDER

Petitioner, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS'
REGULATED INDUSTRIES COMPLAINTS OFFICE (hereinafter "RICO" or "Petitioner"),
through its undersigned attorney, and Respondent TIMOTHY P. BARTON (hereinafter
"Respondent"), enter into this Settlement Agreement on the terms and conditions set forth below.

A. UNCONTESTED FACTS:

1. At all relevant times herein, Respondent was licensed by the Board of Pharmacy
(hereinafter the "Board") as pharmacist under license number PH 1476. The license was issued
on or about May 4, 1992. The license will expire on or about December 31, 2013.

2. Respondent's mailing address for purposes of this action is 1 Jarrett White Road,
Honolulu, Hawaii 96859.

3. On or about June 28, 2012, RICO filed a Petition for Disciplinary Action alleging that Respondent violated the following statute(s) and/or rule(s): Hawaii Revised Statutes ("HRS") §§ 461-8(f); 461-21(a)(4) and 461-21(a)(9).

4. RICO received a complaint alleging that Respondent had failed to submit proof of continuing education requirements to the Board by the May 3, 2010 deadline despite receiving a letter advising Respondent to do so.

5. Respondent recently submitted proof of his continuing education documents in October of 2012 and was found by the Board to have now completed the continuing education requirement for the renewal of his Hawaii pharmacist license for the 2008-2009 and 2010-2011 biennium. A copy of the letter from the Board to Respondent dated October 16, 2012 from Lee Ann Teshima, Executive Officer, is attached hereto as Exhibit "1."

6. The foregoing allegations, if proven at an administrative hearing before the Board, would constitute violations of the following statute(s) and/or rule(s): HRS § 461-8(f) (failure to provide the Board with documentation verifying compliance with the continuing education requirement within sixty (60) days of notification); HRS § 461-21(a)(4) (violation of any of the provisions of this chapter or the rules adopted pursuant thereto); and HRS § 461-21(a)(9) (making a false statement on any document submitted or required to be filed by this chapter, including a false certification of compliance with the continuing education requirement).

7. The Board has jurisdiction over the subject matter herein and over the parties hereto.

B. REPRESENTATIONS BY RESPONDENT:

1. Respondent is fully aware that he has the right to be represented by an attorney of his choosing and voluntarily waives that right.

2. Respondent enters into this Settlement Agreement freely, knowingly, voluntarily, and under no coercion or duress.

3. Respondent is aware of the right to have a hearing to adjudicate the issues in the case. Pursuant to HRS § 91-9(d), Respondent freely, knowingly, and voluntarily waives the right to a hearing and agrees to dispose of this case in accordance with the terms and conditions of this Settlement Agreement.

4. Respondent being at all times relevant herein licensed as a pharmacist by the Board acknowledges that Respondent is subject to penalties including but not limited to, revocation, suspension or limitation of the license and administrative fines, if the foregoing allegations are proven at hearing.

5. Respondent neither admits nor denies to the veracity of the allegation and that Respondent's acts violate the following statute(s) and/or rule(s): HRS § 461-8(f) (failure to provide the Board with documentation verifying compliance with the continuing education requirement within sixty (60) days of notification); HRS § 461-21(a)(4) (violation of any of the provisions of this chapter or the rules adopted pursuant thereto); and HRS § 461-21(a)(9) (making a false statement on any document submitted or required to be filed by this chapter, including a false certification of compliance with the continuing education requirement).

6. Respondent enters into this Settlement Agreement as a compromise of the claims and to conserve on the expenses of proceeding with an administrative hearing on this matter.

7. Respondent agrees that this Settlement Agreement is intended to resolve the issues raised in RICO's investigation in RICO Case No. PHA 2010-49-L.

8. Respondent understands this settlement agreement is public record pursuant to HRS Chapter 92F.

C. TERMS OF SETTLEMENT:

1. Fine. Respondent agrees to pay a fine of FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) within 30 days of approval of the Settlement Agreement by the Board. Said payment shall be made by **cashier's check or money order made payable to "DCCA - Compliance Resolution Fund"** and mailed to the Regulated Industries Complaints Office, Attn: Diane R. Corn, Esq., 235 S. Beretania Street, 9th Floor, Honolulu, Hawaii 96813.

2. Failure to Comply with Settlement Agreement. If Respondent fails to fully and timely comply with the terms of this Settlement Agreement as set forth in paragraph(s) C.1 above, Respondent's license shall be automatically revoked upon RICO's filing of an affidavit with the Board attesting to such failure. In case of such revocation, Respondent shall turn in all indicia of the license to the Executive Officer of the Board within ten (10) days after receipt of notice of the revocation. In case of such revocation, Respondent understands Respondent cannot apply for a new license until the expiration of at least five (5) years after the effective date of the revocation. Respondent understands that if Respondent desires to become licensed again, Respondent must apply to the Board for a new license pursuant to and subject to HRS §§ 92-17, 436B-21, and all other applicable laws and rules in effect at the time.

3. Possible Further Sanction. The Board, at its discretion, may pursue additional disciplinary action as provided by law to include further fines and other sanctions as the Board may deem appropriate if Respondent violates any provision of the statutes or rules governing the conduct of pharmacists in the State of Hawaii, or if Respondent fails to abide by the terms of this Settlement Agreement.

4. Approval of the Board. Respondent agrees that, except for the representations, agreements and covenants contained in Paragraphs C.5, C.6, C.7 and C.8 below, this Settlement Agreement shall not be binding on any of the parties unless and until it is approved by the Board.

5. No Objection if Board Fails to Approve. If the Board does not approve this Settlement Agreement, does not issue an order pursuant thereto, or does not approve a lesser remedy, but instead an administrative hearing is conducted against Respondent in the Board's usual and customary fashion pursuant to the Administrative Procedure Act, Respondent agrees that neither Respondent nor any attorney that Respondent may retain, will raise as an objection in any administrative proceeding or in any judicial action, to the Board's proceeding against Respondent on the basis that the Board has become disqualified to consider the case because of its review and consideration of this Settlement Agreement.

6. Any Ambiguities Shall be Construed to Protect the Consuming Public. It is agreed that any ambiguity in this Settlement Agreement is to be read in the manner that most completely protects the interests of the consuming public.

7. No Reliance on Representations by RICO. Other than the matters specifically stated in this Settlement Agreement, neither RICO nor anyone acting on its behalf has made any representation of fact, opinion or promise to Respondent to induce entry into this Settlement Agreement, and Respondent is not relying upon any statement, representation or opinion or promise made by RICO or any of its agents, employees, representatives or attorneys concerning the nature, extent or duration of exposure to legal liability arising from the subject matter of this Settlement Agreement or concerning any other matter.

8. Complete Agreement. This Settlement Agreement is a complete settlement of the rights, responsibilities and liabilities of the parties hereto with respect to the subject matter hereof; contains the entire agreement of the parties; and may only be modified, changed or amended by written instrument duly executed by all parties hereto.

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IN WITNESS WHEREOF, the parties have signed this Settlement Agreement on the
date(s) set forth below.

DATED: Honolulu, HI, 10/18/2012.
(CITY) (STATE) (DATE)

Timothy P. Barton

TIMOTHY P. BARTON
Respondent

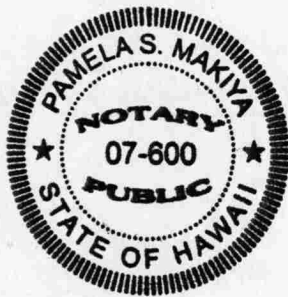
DATED: Honolulu, Hawaii, OCT 18 2012.

Diane R. Corn

DIANE R. CORN
Attorneys for Department of Commerce and
Consumer Affairs

STATE OF Hawaii)
City &) SS.
COUNTY OF Honolulu)

On this 18th day of October, 2012, before me personally appeared
Timothy P. Barton, to me known to be the person described and who executed the
foregoing instrument and acknowledged the same as his/her free act and deed.



Pamela S. Makiya
Name: Pamela S. Makiya
Notary Public – State of Hawaii

My Commission expires: 11/25/2015




Pamela S. Makiya, First Circuit Doc. Date: 10/18/12
Pages: 8 Doc. Description: Settlement Agreement
After Filing of Petition
Pamela S. Makiya 10/18/12
Notary Signature Date

NOTARY CERTIFICATION

IN THE MATTER OF THE PHARMACIST'S LICENSE OF TIMOTHY P. BARTON;
SETTLEMENT AGREEMENT AFTER FILING OF PETITION FOR DISCIPLINARY
ACTION AND BOARD'S FINAL ORDER; EXHIBIT "1" CASE NO. PHA 2010-49-L

APPROVED AND SO ORDERED:
BOARD OF PHARMACY
STATE OF HAWAII

MARK E. BROWN
Chairperson

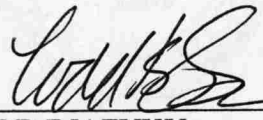


PATRICK ADAMS
Vice Chairperson

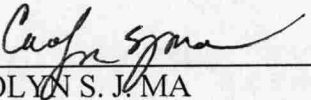
GARRETT A. LAU

JILL OLIVEIRA GRAY

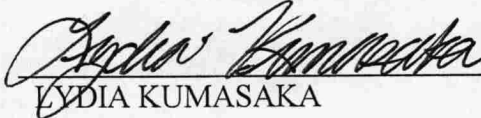
November 15, 2012
DATE



TODD INAFUKU



CAROLYN S. JIMA



LYDIA KUMASAKA

PVL 07/15/11

NEIL ABERCROMBIE
GOVERNOR

BRIAN SCHATZ
LIEUTENANT GOVERNOR



KEALI'I S. LOPEZ
DIRECTOR

DEPARTMENT OF COMMERCE
AND CONSUMER AFFAIRS
CELIA C. SUZUKI
LICENSING ADMINISTRATOR

2012 OCT 17 P 2:12

BOARD OF PHARMACY
STATE OF HAWAII
PROFESSIONAL AND VOCATIONAL LICENSING DIVISION
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
P.O. BOX 3469
HONOLULU, HAWAII 96801
www.hawaii.gov/dcca/pvl

REGULATED INDUSTRIES
COMPLAINTS OFFICE

October 16, 2012

Timothy Barton
1 Jarrett White Road
Honolulu, Hawaii 96859

Dear Mr. Barton:

RE: Continuing Education Requirement 2008-2009 Biennium
Compliance with Audit

This letter is to acknowledge receipt of your continuing education documents.

Upon review, we find that the information indicates that you have completed the continuing education requirement for the renewal of your Hawaii pharmacist license for the 2008-2009 and 2010-2011 biennium.

However, since you did not meet the May 3, 2010 submission deadline, your case was previously referred to the Regulated Industries Complaints Office for their review and appropriate action. You will still have to respond to the complaint that has been filed against you for failing to comply with the continuing education requirement pursuant to Hawaii Revised Statutes, 461-8(f).

Thank you for your cooperation in this matter. If you have any questions, please feel free to contact me at (808) 586-2695 or by email at pharmacy@dcca.hawaii.gov

Very Truly Yours,

Lee Ann Teshima
Executive Officer

c: Licensing Branch
Diane Corn, Staff Attorney, Regulated Industries Complaints Office ✓

EXHIBIT 11

ATTN

LEE ANN TESHIMA

COVER SHEET

+

4 SHEETS

RECEIVED
PROF & VOCATIONAL
LICENSING DIVISION

2012 OCT -9 1P 2:11

DEPT OF COMMERCE
& CONSUMER AFFAIRS
STATE OF HAWAII

Thanks

TIM BARTON



7272 Wisconsin Ave.
Beltharda, Maryland 20814

Phone: (301) 857-3000
Fax: (301) 884-8879
www.sshp.org

Statement of Continuing Pharmacy Education Credit

Date issued: Tuesday, October 08, 2012

Timothy Barton
PO Box 75358
Honolulu, HI USA 96838-0358

| ACPE # | ASHP # | Program Name | Program Date | Credit Hours |
|------------------------|---------|--|-----------------|--------------|
| 204-000-10307- L01P | 007-L01 | Clash of the Titans in Hypertension | 5 December 2010 | 1.00 |
| 204-000-10308- L01P | 008-L01 | Blood and Vomit: An Emergency Department Fiesta | 5 December 2010 | 1.00 |
| 204-000-10211- L05P | 211-L03 | Safety & Quality Pearls 2010 | 8 December 2010 | 2.00 |
| 204-000-10217- L04P | 217-L04 | Who Let the IgE Out? Anaphylaxis and Desensitization | 8 December 2010 | 1.00 |

CPE Monitor: ASHP will begin transmitting CE credit to ACPE beginning January 1, 2013.
Please save a copy of this statement for your records.



The American Society of Health-System Pharmacists is accredited by the Accreditation Council for Pharmacy Education as a provider of continuing pharmacy education.

Authorized by



Paul W. Abramowitz, Pharm.D., FASHP
Chief Executive Officer

JoAnn Stacy Harris, B.S. Pharm., MBA
ACPE Continuing Pharmacy
Education Administrator

5 hrs

37.5 hrs

total

Timothy P. Barton
1 Jarrett White Road
Honolulu, HI 96859

PHARMACIST'S
LETTER

Print

Hawaii

Renewal Period: 1/1/2010 - 12/31/2011

| Course Title & CE Provider | Date Completed | Hours | Requirements Met |
|---|----------------|-------|------------------|
| CE-in-the-Letter May 2010 Pharmacist's Letter ACPE#: 0422-0000-10-005-H01-P | 05/03/10 | 1.00 | General CE |
| CE-in-the-Letter Jun 2010 Pharmacist's Letter ACPE#: 0422-0000-10-006-H01-P | 06/18/10 | 1.00 | General CE |
| CE-in-the-Letter Aug 2010 Pharmacist's Letter ACPE#: 0422-0000-10-008-H01-P | 07/31/10 | 1.00 | General CE |
| CE-in-the-Letter Oct 2010 Pharmacist's Letter ACPE#: 0422-0000-10-010-H01-P | 09/29/10 | 1.00 | General CE |
| CE-in-the-Letter Sep 2010 Pharmacist's Letter ACPE#: 0422-0000-10-009-H01-P | 09/29/10 | 1.00 | General CE |
| CE-in-the-Letter Jan 2010 Pharmacist's Letter ACPE#: 0422-0000-10-001-H01-P | 10/23/10 | 1.00 | General CE |
| CE-in-the-Letter Feb 2010 Pharmacist's Letter ACPE#: 0422-0000-10-002-H01-P | 10/24/10 | 1.00 | General CE |
| CE-in-the-Letter Jan 2011 Pharmacist's Letter ACPE#: 0422-0000-11-001-H01-P | 01/28/11 | 1.00 | General CE |
| CE-in-the-Letter Feb 2011 Pharmacist's Letter ACPE#: 0422-0000-11-002-H01-P | 01/29/11 | 1.00 | General CE |
| CE-in-the-Letter Dec 2010 Pharmacist's Letter ACPE#: 0422-0000-10-012-H01-P | 01/30/11 | 1.00 | General CE |
| CE-in-the-Letter Nov 2010 Pharmacist's Letter ACPE#: 0422-0000-10-011-H01-P | 01/30/11 | 1.00 | General CE |
| CE-in-the-Letter Jul 2010 Pharmacist's Letter ACPE#: 0422-0000-10-007-H01-P | 01/31/11 | 1.00 | General CE |
| CE-in-the-Letter Apr 2010 Pharmacist's Letter ACPE#: 0422-0000-10-004-H01-P | 02/02/11 | 1.00 | General CE |
| CE-in-the-Letter May 2011 Pharmacist's Letter ACPE#: 0422-0000-11-005-H01-P | 04/24/11 | 1.00 | General CE |
| CE-in-the-Letter Apr 2011 Pharmacist's Letter ACPE#: 0422-0000-11-004-H01-P | 04/25/11 | 1.00 | General CE |
| CE-in-the-Letter Mar 2011 Pharmacist's Letter ACPE#: 0422-0000-11-003-H01-P | 04/26/11 | 1.00 | General CE |
| CE-in-the-Letter Mar 2010 | | | |



7272 Wisconsin Ave.
Bethesda, Maryland 20814

Phone: (301) 657-3000
Fax: (301) 694-8879
www.ashp.org

Statement of Continuing Pharmacy Education Credit

Date Issued: Tuesday, October 08, 2012

Timothy Barton
PO Box 75368
Honolulu, HI USA 96838-0368

| ACPE # | ASHP # | Program Name | Program Date | Credit Hours |
|---------------------|---------|--|-----------------|--------------|
| 204-000-10-479-L01P | 10479 | Delirium in the Critically Ill Patient: The Pharmacist's Role in Identification, Prevention, and Treatment (Knowledge-Based) | 7 December 2010 | 1.00 |
| 204-000-10-223-L01P | 223-L01 | Therapeutic Strategies for the Management of Pain, Agitation, and Delirium in the Intensive Care Unit | 7 December 2010 | 2.00 |
| 204-000-10-275-L05P | 268-L01 | Emergency Medicine Pearls 2010 | 8 December 2010 | 1.75 |
| 204-000-10-325-L04P | 325-L04 | Spotlight on Healthcare Reform | 8 December 2010 | 0.75 |
| 204-000-10-250-L01P | 250-L01 | ID in the ED: Challenges in the Treatment of Infectious Diseases in the Emergency Department | 8 December 2010 | 2.00 |
| 204-000-10-300-L04P | 300-L04 | Federal Forum - Managing the Continuum of Care: A Focus on Women's Health in the Federal Sector | 5 December 2010 | 4.00 |

CPE Monitor: ASHP will begin transmitting CE credit to ACPE beginning January 1, 2013.
Please save a copy of this statement for your records.



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Authorized by



Paul W. Abramowitz, Pharm.D., FASHP
Chief Executive Officer

JoAnn Stacy Harris, B.S., Pharm., MBA
ACPE Continuing Pharmacy
Education Administrator

11.5 hr



7272 Wisconsin Ave.
Bethesda, Maryland 20814

Phone: (301) 657-3000
Fax: (301) 864-8879
www.ashp.org

Statement of Continuing Pharmacy Education Credit

Date Issued: Tuesday, October 09, 2012

Timothy Barton
PO Box 75358
Honolulu, HI USA 96838-0358

| ACPE # | ASHP # | Program Name | Program Date | Credit Hours |
|--------------------|---------|--|-----------------|--------------|
| 204-000-10307-L01P | 307-L01 | Clash of the Titans in Hypertension | 6 December 2010 | 1.00 |
| 204-000-10308-L01P | 308-L01 | Blood and Vomit: An Emergency Department Fiesta | 5 December 2010 | 1.00 |
| 204-000-10211-L05P | 211-L03 | Safety & Quality Pearls 2010 | 8 December 2010 | 2.00 |
| 204-000-10217-L04P | 217-L04 | Who Let the IgE Out? Anaphylaxis and Desensitization | 8 December 2010 | 1.00 |

ACPE Monitor: ASHP will begin transmitting CE credit to ACPE beginning January 1, 2013.
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JoAnn Stacy Harris, B.S. Pharm., MBA
ACPE Continuing Pharmacy
Education Administrator

5 hrs