

**DRAFT/UNAPPROVED
VIRGINIA BOARD OF PHARMACY
MINUTES OF SPECIAL CONFERENCE COMMITTEE**

Thursday, July 31, 2008
Second Floor
Board Room 1

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Richmond, Virginia 23233

CALL TO ORDER: A meeting of a Special Conference Committee of the Board of Pharmacy was called to order at 9:00 a.m.

PRESIDING: John O. Beckner, Committee Chairman

MEMBERS PRESENT: Leo H. Ross

STAFF PRESENT: Cathy M. Reiniers-Day, Deputy Executive Director
Mykl D. Egan, DHP Adjudication Specialist

STEVEN YI
License Number 0202-011157

Steven Yi appeared with Donna Whitney, HPIP Case Manager, to discuss his petition for reinstatement of his pharmacist license and to review allegations that he may have violated portions of the Board's laws and regulations as stated in the July 11, 2008 Notice.

Closed Meeting: Mr. Ross moved, and the Committee voted 2-0 in favor of the motion, to convene a closed meeting pursuant to § 2.2-3711.A.28 of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Steven Yi. Additionally, he moved that Cathy Reiniers-Day and Mykl Egan attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Committee in its deliberations.

Reconvene: Mr. Ross moved, and the Committee voted 2-0 in favor of the motion, that only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

Decision: After consideration of the evidence and statements concerning the allegations, Mr. Ross moved, and the Committee voted 2-0 in favor of the motion, that the Committee make the findings of fact, conclusions of law

and sanctions as stated in Attachment 1.

As provided by law, this decision shall become a final Order thirty days after service of such Order on Mr. Yi unless a written request to the Board for a formal hearing on the allegations made against him is received from Mr. Yi within such time. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this Special Conference Committee shall be vacated.

ROBERT W. KELLY
License Number 0202-001592

Robert W. Kelly appeared with John W. Swezey, his attorney; to discuss allegations that he may have violated certain laws and regulations governing the practice of pharmacy as stated in the July 10, 2008 Notice.

Closed Meeting:

Mr. Ross moved, and the Committee voted 2-0 in favor of the motion, to convene a closed meeting pursuant to § 2.2-3711.A.28 of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Robert W. Kelly. Additionally, he moved that Cathy Reiniers-Day and Mykl Egan attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Committee in its deliberations.

Reconvene:

Mr. Ross moved, and the Committee voted 2-0 in favor of the motion, that only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

Decision:

After consideration of the evidence and statements concerning the allegations, Mr. Ross moved, and the Committee voted 2-0 in favor of the motion, to close this case with no violation.

ADJOURN:

With all business concluded, the meeting adjourned at 12:55 p.m.

Cathy M. Reiniers-Day
Deputy Executive Director

John Beckner, Chair

Date

Steven S. Yi

Findings of Fact and Conclusions of Law:

- Steven S. Yi held license number 0202-011157 issued by the Board to practice pharmacy in the Commonwealth of Virginia. Pursuant to an Order of the Board entered on February 17, 2004, said license was summarily suspended. Subsequently, a Consent Order was entered on March 1, 2004, that continued his license on indefinite suspension due to his diversion and personal use of various Schedule II drugs.
- Pursuant to an application received by the Board on February 4, 2008, Mr. Yi applied for the reinstatement of his license to practice as a pharmacist in the Commonwealth of Virginia.
- Mr. Yi attended outpatient treatment at the Kolmac Clinic, Silver Spring, Maryland, from September 11, 2007, to October 30, 2007. The Clinical Director reports that he continues to attend the aftercare program with regular attendance and a high commitment to the recovery process.
- Mr. Yi signed a Participation Contract with the Health Practitioners Intervention Program ("HPIP") on May 31, 2007, and a Recovery Monitoring Contract on November 9, 2007, with an expected completion date of November 30, 2012.
- Mr. Yi stated to the Committee that he currently attends International Doctors in Alcoholics Anonymous ("IDAA"), Caduceus, and/or Narcotics Anonymous meetings four (4) to five (5) times per week. Additionally, he stated that he has a sponsor and is currently on step 4 of a 12-step program.
- Donna Whitney, HPIP Case Manager, stated to the Committee that Mr. Yi has been compliant with the terms and conditions of his HPIP contract. Since November 9, 2007, he has submitted to 27 urine drug screens and all had negative results. Ms. Whitney further stated that HPIP is advocating for the reinstatement of Mr. Yi's license to practice as a pharmacist in the Commonwealth of Virginia and once HPIP approves him to return to work he would face additional restrictions including having a peer monitor and a worksite monitor as well as an increase in the number of drug screens.
- Mr. Yi has demonstrated to the Committee that he is safe and competent to practice pharmacy in the Commonwealth of Virginia.

Sanction

- It is hereby ORDERED that the license of Steven S. Yi to practice pharmacy in the Commonwealth of Virginia shall be REINSTATED, subject to the following terms and conditions:
- Mr. Yi shall comply with all terms and conditions for the period specified by HPIP.
- Mr. Yi shall maintain a course of conduct commensurate with the requirements of Chapters 33 and 34, Title 54.1 of the Code. Any violation of these terms and conditions of this Order, or of any law or regulation affecting the practice of pharmacy in the Commonwealth of Virginia, shall constitute grounds for the suspension or revocation of his license and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked. Mr. Yi shall be noticed to appear at an administrative hearing at such time as the Board is notified that:
 - o He is not in compliance with the terms and conditions specified by HPIP, or has been terminated from participation in HPIP, or
 - o There is a pending investigation or unresolved allegations against him involving a violation of law, regulation or any term or condition of this Order, or

- o He has successfully completed the above-referenced period of participation in HPIP. Upon receipt of evidence of Mr. Yi's participation in and compliance with HPIP, the Committee, at its discretion, may waive Mr. Yi's appearance before the Committee, and conduct an administrative review of this matter.