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8 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**
9

10 In the Matter of

11 **Peter Steinken,**

12 Holder of License No. S017393
As a Pharmacist
13 In the State of Arizona

Board Case No. 15-0018-PHR

**CONSENT AGREEMENT
AND ORDER FOR SUSPENSION**

14
15 In the interest of a prompt and judicious settlement of this case, consistent with the
16 public interest, statutory requirements and the responsibilities of the Arizona State Board
17 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Peter Steinken ("Respondent"),
18 holder of Pharmacist License No. S017393 in the State of Arizona and the Board enter
19 into the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent
20 Agreement") as a final disposition of this matter.

21 **RECITALS**

22 1. Respondent has read and understands this Consent Agreement and has had
23 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
24 opportunity to discuss this Consent Agreement with an attorney.
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1 2. Respondent understands that he has a right to a public administrative
2 hearing concerning this matter at which hearing he could present evidence and cross
3 examine witnesses. By entering into this Consent Agreement, Respondent knowingly
4 and voluntarily relinquishes all right to such an administrative hearing, as well as rights
5 of rehearing, review, reconsideration, appeal, judicial review or any other administrative
6 and/or judicial action, concerning the matters set forth herein.

7 3. Respondent affirmatively agrees that this Consent Agreement shall be
8 irrevocable.

9 4. Respondent understands that this Consent Agreement or any part of the
10 agreement may be considered in any future disciplinary action by the Board against him.

11 5. Respondent understands this Consent Agreement deals with Board
12 Complaint No. 4384 involving allegations of unprofessional conduct against Respondent.
13 The investigation into these allegations against Respondent shall be concluded upon the
14 Board's adoption of this Consent Agreement.

15 6. Respondent understands that this Consent Agreement does not constitute a
16 dismissal or resolution of any other matters currently pending before the Board, if any,
17 and does not constitute any waiver, express or implied, of the Board's statutory authority
18 or jurisdiction regarding any other pending or future investigation, action or proceeding.

19 7. Respondent also understands that acceptance of this Consent Agreement
20 does not preclude any other agency, subdivision, or officer of this State from instituting
21 any other civil or criminal proceedings with respect to the conduct that is the subject of
22 this Consent Agreement.

23 8. Respondent acknowledges and agrees that, upon signing this Consent
24 Agreement and returning this document to the Board's Executive Director, he may not
25 revoke his acceptance of the Consent Agreement or make any modifications to the
26

1 document regardless of whether the Consent Agreement has been signed by the
2 Executive Director. Any modification to this original document is ineffective and void
3 unless mutually agreed by the parties in writing.

4 9. This Consent Agreement is subject to the approval of the Board and is
5 effective only when accepted by the Board and signed by the Executive Director. In the
6 event that the Board does not approve this Consent Agreement, it is withdrawn and shall
7 be of no evidentiary value and shall not be relied upon nor introduced in any action by
8 any party, except that the parties agree that should the Board reject this Consent
9 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the
10 Board was prejudiced by its review and discussion of this document or any records
11 relating thereto.

12 10. If a court of competent jurisdiction rules that any part of this Consent
13 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
14 shall remain in full force and effect.

15 11. Respondent understands that this Consent Agreement is a public record that
16 may be publicly disseminated as a formal action of the Board and may be reported as
17 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
18 Protection Data Bank.

19 12. Respondent understands that any violation of this Consent Agreement
20 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
21 1901.01(B) (20) and A.R.S. § - 1927(A) (1).

22 13. Respondent agrees that the Board will adopt the following Findings of Fact,
23 Conclusions of Law and Order.

24 ...

25 ...

26 ...

1 ACCEPTED AND AGREED BY RESPONDENT

2 Peter Steinken
3 _____

Dated: 3/26/2015

4 Peter Steinken

5 Subscribed and sworn to before me in the County of Maricopa, State of Arizona,
6 this 26 day of March, 2015, by Peter Steinken.

7 Tiffany Poetsch
8 NOTARY PUBLIC



9 My Commission expires: January 09 2019

10 **FINDINGS OF FACT**

11
12 1. The Board is the duly constituted authority for licensing and regulating the
13 practice of pharmacy in the State of Arizona.

14 2. Respondent is the holder of license number S017393 to practice as a
15 pharmacist in the State of Arizona.

16 3. During all relevant times to these findings, Respondent worked as a
17 pharmacist at the Indian Health Services Clinic (the "Pharmacy") located in Elko,
18 Nevada.

19 4. In November 2012 the director of the Pharmacy suspected that Respondent,
20 was taking prescription medication after a patient complained that his amphetamine
21 medication was no longer effective. When the Pharmacy's director inspected the
22 patient's capsule medication, she found that most of the active ingredient had been
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1 removed from each capsule. The Pharmacy director learned that Respondent was the
2 pharmacist who filled the complaining patient's prescription.

3 5. Upon further investigation the Pharmacy director found that multiple
4 bottles of amphetamine capsules in the Pharmacy had been opened and every capsule in
5 each of the bottles was missing some of the active ingredient. An inventory revealed that
6 more than eight hundred (800) capsules had been tampered with in the Pharmacy.
7

8 6. Agents from the United States Federal Bureau of Investigation interviewed
9 Respondent on two occasions regarding the missing medication and Respondent admitted
10 during the second interview that he had removed the medication from the capsules in the
11 Pharmacy inventory.
12

13 7. In February 2014 Respondent was indicted on felony charges in the United
14 Stated District Court for Nevada of acquiring a controlled substance by
15 misrepresentation, fraud, deception and subterfuge.
16

17 8. In May 2014 Respondent entered into a plea agreement with the United
18 States Attorney's Office wherein he pled guilty to a felony violation of Title 21, United
19 States Code, Section 843 (a) (3).
20

21 9. On or about November 17, 2014 Respondent signed an agreement to
22 participate in a Pharmacists Assisting Pharmacists Program (PAPA) contract.
23

CONCLUSIONS OF LAW

24 1. The Board possesses jurisdiction over the subject matter and over
25 Respondent pursuant to A.R.S. § 32-1901 *et seq.*
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