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9 **BEFORE THE**  
**BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 3910

13 **MARK GORDON VAN EWYK**  
1792 Waterside Dr.  
14 Kennesaw, GA 30152

**ACCUSATION**

15  
16 Pharmacist License No. RPH 56848

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
22 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

23 2. On or about March 14, 2005, the Board of Pharmacy issued Pharmacist License  
24 Number RPH 56848 to Mark Gordon Van Ewyk (Respondent). The Pharmacist License was in  
25 full force and effect at all times relevant to the charges brought herein and will expire on  
26 December 31, 2012, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY AND REGULATORY PROVISIONS

4. Section 4300 provides in relevant part:

“(a) Every license issued may be suspended or revoked.”

5. Section 4301 provides in relevant part that unprofessional conduct includes:

“(n) The revocation, suspension, or other discipline by another state of a license to practice pharmacy, operate a pharmacy, or do any other act for which a license is required by this chapter.”

“(p) Actions or conduct that would have warranted denial of a license. For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare.”

6. Title 16 California Code of Regulations section 1770 provides:

“For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare.”

COST RECOVERY

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1 FIRST CAUSE FOR DISCIPLINE  
2 (Unprofessional Conduct)

3 8. Respondent is subject to disciplinary action under sections 4301(n) and (p) in that  
4 respondent's Georgia Pharmacist license No 022803 was disciplined in 2006. The circumstances  
5 are as follows:

6 9. On or about December 12, 2006, a stipulated disciplinary order became effective  
7 suspending Respondent's Georgia Pharmacist License on the basis of diversion of and self-  
8 administration of hydrocodone. A true and correct copy of the signed and endorsed consent  
9 order is attached as Exhibit 1 and by this reference incorporated herein.

10  
11 PRAAYER

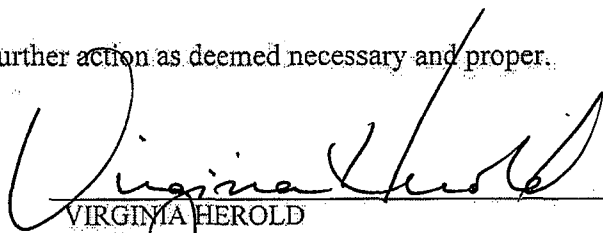
12 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
13 alleged, and that following the hearing, the Board of Pharmacy issue a decision:

14 1. Revoking or suspending Pharmacist License Number RPH 56848, issued to Mark  
15 Gordon Van Ewyk.

16 2. Ordering Mark Gordon Van Ewyk to pay the Board of Pharmacy the reasonable  
17 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
18 Code section 125.3;

19 3. Taking such other and further action as deemed necessary and proper.

20  
21 DATED: 2/23/11

22   
23 VIRGINIA HEROLD  
24 Executive Officer  
25 Board of Pharmacy  
26 Department of Consumer Affairs  
27 State of California  
28 Complainant

**EXHIBIT 1**  
**ACCUSATION**  
**IN RE VAN EWYK**

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PUBLIC ORDER: TO BE ENTERED ON PUBLIC DOCKET  
BEFORE THE GEORGIA STATE BOARD OF PHARMACY

IN THE MATTER OF: \*

Mark G. Van Ewyk, R.Ph. \*  
License #RPH022803 \*

Respondent \*

DOCKET NO. \*

PROFESSIONAL LICENSING BOARDS
DEC 12 2006
DOCKET NUMBER <i>2006-2322</i>

*PRIVATE*  
PUBLIC INTERIM CONSENT ORDER

By agreement of the Georgia State Board of Pharmacy and Mark G. Van Ewyk, Respondent, the following disposition of this matter is entered pursuant to the provisions of O.C.G.A. 50-13-13 (a) (4).

FINDINGS OF FACT

1.

Respondent is licensed to practice pharmacy in the State of Georgia, and was so licensed at all times relevant to this matter.

2.

On or about *June 27*, 2006 Respondent enrolled in treatment for chemical

Impairment at Ridgeview Institute, Smyrna, Georgia,

3.

The Respondent waives any further findings of fact with respect to the above matter.

CONCLUSIONS OF LAW

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Under O.C.G.A. 26-4-86, the Georgia State Board of Pharmacy may impose such reasonable conditions as it deems appropriate on any license issued under Part 3 of O.C.G.A. Chapter 26-4.

2.

Respondent waives any further conclusions of law with respect to this matter.

ORDER

The Board having considered the particular facts and circumstances of this case, it is hereby ordered, and the Respondent hereby agrees, as follows:

1.

The Respondent agrees that his license to practice pharmacy as a pharmacist shall be SUSPENDED until further order of the Board. If Respondent engages in the practice of pharmacy without express permission of the Board, Respondent's license shall be subject to revocation, upon substantiation thereof. However, if during the time of suspension, the respondent's license is scheduled for renewal, and the respondent receives a renewal notification from the Board, the respondent is required to pay the biennial renewal fee and submit any requested Pharmacy Continuing Education for audit purposes to prevent their license from lapsing. The Respondent's license will still be suspended, but by paying the renewal fee, it will prevent the respondent from having to pay a penalty fee and other possible reactivation fees once the suspension is lifted by the Board.

2.

The Respondent agrees to complete a treatment program for chemical

dependence acceptable to the Board. The Respondent shall completely abstain from the consumption of alcohol or controlled substances, except as prescribed by a duly licensed practitioner for a legitimate purpose and in a legitimate manner.

3.

During the treatment program, the Respondent is required to attend ninety (90) Alcoholic Anonymous and/or Narcotics Anonymous meetings in ninety (90) days. These meetings must be completed prior to the Respondent applying with the Board to discuss reinstatement of his pharmacist license.

4.

Upon completion of therapy, the Respondent shall enter into an aftercare program as may be recommended upon completion of the treatment phase of the program, or by further order of the Board. Respondent shall provide the Board with a copy of his aftercare contract.

5.

After the Respondent completes treatment, enters into an appropriate aftercare agreement, the Respondent shall request an appointment to personally meet with the Board to discuss the course of the Respondent's rehabilitation. The Board shall have the discretion following such meeting to reinstate Respondent's privilege to practice as a registered pharmacist, to place upon Respondent's license any conditions that the Board may deem appropriate, or to deny reinstatement if the Board determines that Respondent needs further rehabilitation.

6.

The Respondent agrees to undergo random alcohol/drug screening at

Respondent's expense at the request of the Board or its representative at any time during the period of suspension.

7.

This Consent Order shall constitute a <sup>PRIVATE</sup> public order of the Board. Once docketed it becomes a <sup>PRIVATE</sup> public record and is available for copying or viewing by the general public. Further, this consent order may be released to another lawful licensing authority or enforcement agency in this or any other State, and may be released pursuant to any other state or federal law authorizing or requiring such release. Provided, further, that should Respondent violate or attempt to violate this Consent Order, any state or federal laws which relate to or regulate the practice of pharmacy or the rules and regulations of the Board, this Consent Order shall also be admissible in any proceeding to substantiate such violations, and may become part of the public record in such proceedings.

8.

Respondent acknowledges that Respondent has read this Consent Order and understands its contents. Respondent understands that Respondent has the right to a hearing in this matter, and Respondent freely, knowingly and voluntarily waives such right by entering into this Consent Order. Respondent understands that this Consent Order will not become effective until approved by the Georgia State Board of Pharmacy and docketed by the Division Director for the Professional Licensing Boards.

Respondent further understands and agrees that the Board shall have the authority to review the investigative file and all relevant evidence in considering this Consent Order.

If this Consent Order is not approved, it shall not constitute an admission against interest

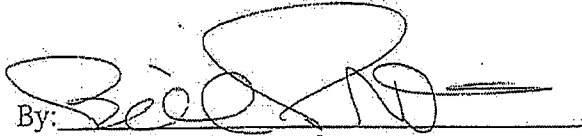
in this proceeding, or prejudice the ability of the Board to adjudicate this matter.

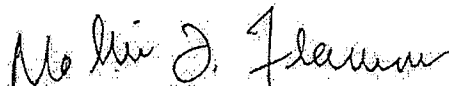
Respondent consents to the terms and sanctions contained herein.



Approved, this 6<sup>th</sup> day of December, 2006

GEORGIA STATE BOARD OF PHARMACY

By:   
Bill Prather, R.Ph.  
President

ATTEST:   
Mollie L. Fleeman  
Division Director  
Professional Licensing Boards

(Board Seal)

CONSENTED TO  RPh 10/5/06

Mark Van Ewyk, R.Ph.  
Respondent

Sworn to and subscribed  
before me this 5 day  
of 10, 2006

  
Notary Public  
My commission expires:

LISA LUBBE  
NOTARY PUBLIC  
Cherokee County  
State of Georgia  
My Comm. Expires July 10, 2009

(NOTARY SIGNATURE & SEAL REQUIRED)