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

9 In the Matter of the Application

10
11 **James Brown, Jr.**

12 As a Pharmacist in the
13 State of Arizona

Board Case No. 09-0046-PHR

**CONSENT AGREEMENT AND
ORDER FOR LICENSURE**

14 **CONSENT AGREEMENT**

15 As James Brown, Jr. ("Applicant") has made application to the Arizona State
16 Board of Pharmacy (the "Board") for licensure as a pharmacist and, consistent with the
17 public interest, statutory requirements and the responsibilities of the Board under A.R.S.
18 §§ 32-1901, *et. seq.*, the Board and Applicant enter into the following Recitals, Findings
19 of Fact, Conclusions of Law and Order ("Consent Agreement") for the issuance of
20 pharmacist license to Applicant.

21 1. Applicant has read and understands this Consent Agreement and has had
22 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
23 opportunity to discuss this Consent Agreement with an attorney.

24 2. By entering into this Consent Agreement, Applicant knowingly and
25 voluntarily relinquishes all right to any administrative hearing, as well as rights of
26

1 rehearing, review, reconsideration, appeal, judicial review or any other administrative
2 and/or judicial action, concerning the matters set forth herein.

3 3. Applicant affirmatively agrees that this Consent Agreement shall be
4 irrevocable.

5 4. Applicant acknowledges and agrees that, upon signing this Consent
6 Agreement and returning this document to the Board's Executive Director, he may not
7 revoke his acceptance of the Consent Agreement or make any modifications to the
8 document regardless of whether the Consent Agreement has been signed by the
9 Executive Director. Any modification to this original document is ineffective and void
10 unless mutually agreed by the parties in writing.

11 5. Applicant understands that the Consent Agreement shall not become
12 effective unless and until signed by the Board's Executive Director.

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

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

20 8. Applicant understands that any violation of this Consent Agreement
21 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
22 1901.01(B)(20), -1927(A)(1).

23 9. Applicant agrees that the Board will adopt the following Findings of Fact,
24 Conclusions of Law and Order.

25

26

1 ACCEPTED AND AGREED BY JAMES BROWN, JR.

2
3 SPB Brown Jr
James Brown, Jr.

Dated: 02/12/2009

4 Subscribed and sworn to before me in the County of Maricopa, State of Arizona,
5 this 11 day of February, 2009, by James Brown, Jr.



6
7
8 **BARBARA KANE**
Notary Public - Arizona
Maricopa County
Expires 01/31/2011

9 Barbara Kane
NOTARY PUBLIC
My Commission expires: 1/31/11

10 **FINDINGS OF FACT**

- 11 1. The Board is the duly constituted authority for licensing and regulating
- 12 the practice of pharmacy in the State of Arizona.
- 13 2. On January 5, 2009, Applicant submitted his application for licensure
- 14 as a pharmacist to the Board.
- 15 3. In 1996, Applicant's Pennsylvania pharmacist's license was revoked
- 16 pursuant to the Adjudication and Order of the Pennsylvania Board of Pharmacy (the
- 17 Pennsylvania Order").
- 18 4. In the Pennsylvania Order, the Pennsylvania Board determined that,
- 19 among other things, Applicant had diverted controlled substances.
- 20 5. Respondent has not worked as a pharmacist since 1994.
- 21 6. The Board may deny an application if the Board determines that the
- 22 applicant has committed an act of unprofessional conduct. A.R.S. §§ 32-1927(S) and -
- 23 1927(A).

1 7. The revocation of Applicant's Pennsylvania license and the diversion
2 of controlled substances in Pennsylvania constitutes unprofessional conduct under the
3 Board's statutes. *See* A.R.S. § 32-1901.01(B)(5) and (16).

4 CONCLUSIONS OF LAW

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

7 2. The Board, having weighed all of the above factors and determined to its
8 satisfaction that, despite Applicant's revocation in Pennsylvania, Applicant can meet the
9 requirements for licensure under A.R.S. § 32-1922(A), subject to the terms of this
10 Consent Agreement.

11 ORDER

12 Based upon the above Findings of Fact and Conclusions of Law, IT IS HEREBY
13 ORDERED AS FOLLOWS:

14 1. Applicant's license to engage in the practice of pharmacy will be issued
15 upon completion of the following:

16 a. Completion of 1500 hours of internship training as set forth in
17 A.R.S. § 32-1922(A)(3) and A.A.C. R4-23-303;

18 b. Successful completion of the pharmacist licensure examination and
19 the jurisprudence examination required in A.R.S. § 32-1922(A)(4); and

20 c. Payment of all necessary fees.

21 2. On February 5, 2009, Applicant signed a five (5) year contract with
22 Pharmacists Assisting Pharmacists of Arizona ("PAPA"). Applicant shall abide by each
23 and every requirement of the PAPA contract. Failure to abide by the PAPA contract's
24 terms is a violation of this Order and grounds for the Board to refuse to issue Applicant's
25 license. If, at any time after his license has been issued Applicant violates the PAPA
26

1 contract's terms, the Board, after giving Applicant notice and the opportunity to be heard,
2 may revoke, suspend or take other disciplinary action against the Applicant's license.
3 The issue at such a hearing will be limited solely to whether this Order has been violated.

4
5 DATED this 19th day of MARCH, 2009.

6
7 ARIZONA STATE BOARD OF PHARMACY

8 (Seal)

9
10 By: 
11 HAL WAND, R.Ph.
12 Executive Director

13 ORIGINAL OF THE FOREGOING FILED
14 this 19 day of March, 2009, with:

15 Arizona State Board of Pharmacy
16 1700 West Washington, Suite 250
17 Phoenix, Arizona 85007

18 EXECUTED COPY OF THE FOREGOING MAILED

19 BY REGULAR MAIL
20 this 19 day of March, 2009, to:

21 James Brown
22 6717 East Escape Ave.
23 Florence, Arizona 85232-5151

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389294