

1 TERRY GODDARD  
Attorney General  
2 (Firm State Bar No. 14000)

3 ELIZABETH A. CAMPBELL  
Assistant Attorney General  
4 State Bar No. 018311  
1275 W. Washington, CIV/LES  
5 Phoenix, Arizona 85007-2997  
Tel: (602) 542-7681  
6 Fax: (602) 364-3202

7 Attorneys for the Arizona State Board of Pharmacy

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

9  
10 In the Matter of  
11 **PAUL MEKHAEL,**  
12 Holder of License No. S017646  
As a Pharmacist  
13 In the State of Arizona

Board Case No. 10-0045-PHR  
**CONSENT AGREEMENT  
FOR CIVIL PENALTY AND  
CONTINUING EDUCATION**

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.*, Paul Mekhael ("Respondent"),  
18 holder of Pharmacist License Number S017646 in the State of Arizona, and the Board  
19 enter into the following Recitals, Findings of Fact, Conclusions of Law and Order  
20 ("Consent 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.  
25  
26

1           2.     Respondent understands that he has a right to a public administrative  
2 hearing concerning the above-captioned matter, at which hearing he could present  
3 evidence and cross examine witnesses. By entering into this Consent Agreement,  
4 Respondent knowingly and voluntarily relinquishes all right to such an administrative  
5 hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or  
6 any other administrative 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. 3735 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), -1927(A)(1).

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

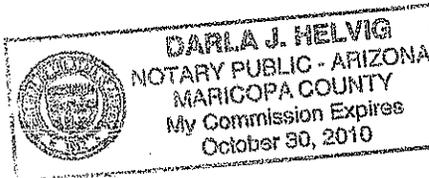
24 ...  
25 ...  
26 ...

1 ACCEPTED AND AGREED BY RESPONDENT

2 Paul Mekhael  
3 Paul Mekhael

Dated: 1-25-2010

4 Subscribed and sworn to before me in the County of Maricopa, State of Arizona  
5 this 25 day of Jan., 2010, by Paul Mekhael.



Darla J. Helvig  
8 NOTARY PUBLIC

My Commission expires: Oct 30, 2010

9 FINDINGS OF FACT

- 10 1. The Board is the duly constituted authority for licensing and regulating the  
11 practice of pharmacy in the State of Arizona.
- 12 2. Respondent is currently the holder of license number S017646 to practice  
13 as a pharmacist in the State of Arizona. Respondent previously held license number 8830  
14 to practice as a pharmacy intern in Arizona.
- 15 3. During all relevant times to these findings, Respondent was working as a  
16 pharmacy intern at CVS #9230 (the "Pharmacy") in Sun City, Arizona.
- 17 4. In August 2009, a patient dropped off prescriptions for PEG-3350 and  
18 Tramadol 50 mg. When the patient later returned to the Pharmacy to pick up his  
19 medications, Respondent gave him the PEG-3350, but mistakenly also gave the patient  
20 butalbital with acetaminophen and caffeine 50/325 (generic Fiorcet). The bag containing  
21 the generic Fiorcet and the prescription container for the generic Fiorcet were both  
22 labeled with another patient's name. The patient refused counseling at the time he picked  
23 up the prescriptions.  
24  
25  
26



1 prevention, and shall be in addition to the requirements of A.R.S. § 32-1936 and A.A.C.  
2 R4-23-204.

3  
4 DATED this 22<sup>ND</sup> day of March, 2010.

6 ARIZONA STATE BOARD OF PHARMACY

7 (Seal)

8  
9 By: 

10 HAL WAND, R.Ph.  
Executive Director

11  
12 ORIGINAL OF THE FORGOING FILED  
13 this 22 day of MARCH, 2010, with:

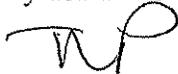
14 Arizona State Board of Pharmacy  
15 1700 West Washington, Suite 250  
Phoenix, Arizona 85007

16 EXECUTED COPY OF THE FOREGOING MAILED  
17 BY CERTIFIED MAIL  
this 22 day of MARCH, 2010, to:

18 Paul Mekhael  
19 5020 W. Thunderbird Road #298  
Glendale, Arizona 85308  
20 Respondent

21 EXECUTED COPY OF THE FOREGOING MAILED  
this 22 day of MARCH, 2010, to:

22 Elizabeth A. Campbell  
23 Assistant Attorney General  
1275 W. Washington Street, CIV/LES  
24 Phoenix, Arizona 85007  
Attorney for the Board

25 

26 #642754