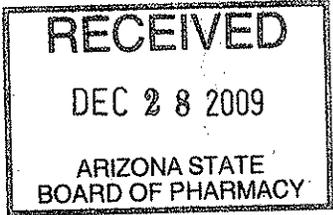


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7 Attorneys for the Arizona State Board of Pharmacy

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

9  
10 In the Matter of

11 **THOMAS GOEBIG**

12 Holder of License No. S013463  
For the Practice of Pharmacy  
13 In the State of Arizona

Board Case No. 10-0046-PHR

**CONSENT AGREEMENT  
AND ORDER FOR SUSPENSION  
AND PROBATION**

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.*, Thomas Goebig  
18 ("Respondent"), holder of Pharmacist License Number S013463 in the State of Arizona,  
19 and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law  
20 and Order ("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. 3739 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 ACCEPTED AND AGREED BY RESPONDENT

1 [Signature]  
2 Thomas Goebig

Dated: 12.22.09

3 Subscribed and sworn to before me in the County of Maricopa, State of Arizona  
4 this 22 day of December, 2009, by Thomas Goebig.



5 [Signature]  
6 NOTARY PUBLIC

7 My Commission expires: 10-21-2013

8 **FINDINGS OF FACT**

9 1. In about October 2009, Respondent attempted to fill two forged  
10 prescriptions for hydrocodone/APAP 10mg/325mg at a Safeway pharmacy.

11 2. Hydrocodone/APAP is a Schedule III controlled substance. A.R.S. § 36-  
12 2514(A)(5)(d).

13 3. On October 19, 2009, Respondent began in-patient treatment. On  
14 November 10, 2009, Respondent signed an agreement with Pharmacists Assisting  
15 Pharmacists of Arizona ("PAPA").

16 **CONCLUSIONS OF LAW**

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

19 2. Pursuant to A.R.S. § 32-1927(A)(1), the Board may discipline a pharmacist  
20 who has engaged in unprofessional conduct.

21 3. Respondent's conduct, as described in the Findings of Fact, constitutes a  
22 violation of A.R.S. § 13-3406(A)(1) (A person may not knowingly possess or use a  
23 prescription-only drug unless the person obtains the prescription-only drug pursuant to a  
24 valid prescription of a licensed prescriber). Furthermore, a person may not knowingly  
25 obtain or procure the administration of a prescription-only drug by fraud, deceit,  
26

1 misrepresentation or subterfuge. A.R.S. § 13-3406(A)(6). In either case, such illegal  
2 acquisition, possession or procurement of a prescription-only drug is a class 1  
3 misdemeanor. A.R.S. § 13-3406(B)(1).

4 4. Respondent's conduct, as described in the Findings of Fact, constitutes a  
5 violation of A.R.S. § 36-2531(E) (A person shall not provide a false prescription for a  
6 controlled substance or knowingly or intentionally acquire or obtain possession of a  
7 controlled substance by means of forgery, fraud, deception or subterfuge, including the  
8 forgery or falsification of a prescription). A person who violates A.R.S. § 36-2531(E) is  
9 guilty of a class 4 felony.

10 5. The conduct and circumstances described above constitute a violation of  
11 A.R.S. § 32-1965(8) (Making or offering to make a forged, counterfeit, altered or  
12 photocopied prescription or drug order for the purpose of obtaining prescription-only or  
13 controlled substance drugs).

14 6. The conduct and circumstances described above constitutes unprofessional  
15 conduct pursuant to A.R.S. § 32-1901.01(B)(2) (Violating any federal or state law, rule or  
16 regulation relating to the manufacture or distribution of drugs and devices or the practice  
17 of pharmacy).

18 7. The conduct and circumstances described above constitutes unprofessional  
19 conduct pursuant to A.R.S. § 32-1901.01(B)(8) (Committing a felony, whether or not  
20 involving moral turpitude, or a misdemeanor involving moral turpitude or any drug-  
21 related offense. In either case, conviction by a court of competent jurisdiction or a plea  
22 of no contest is conclusive evidence of the commission).

23 8. The conduct and circumstances described above constitute unprofessional  
24 conduct pursuant to A.R.S. § 32-1901.01(B)(10) (Violating a federal or state law or  
25 administrative rule relating to marijuana, prescription-only drugs, narcotics, dangerous  
26

1 drugs, controlled substances or precursor chemicals when determined by the board or by  
2 conviction in a federal or state court).

3 **ORDER**

4 Based upon the above Findings of Fact and Conclusions of Law, the Board issues  
5 the following Order:

6 1. Respondent's Pharmacist License No. S013463, which was issued to  
7 Respondent for the practice of pharmacy in the State of Arizona, is hereby  
8 **SUSPENDED**, subject to the following terms and conditions:

9 A. Respondent's license is suspended for at least six (6) months from  
10 October 19, 2009, the date Respondent began inpatient treatment. The period of  
11 suspension shall be determined by the Board after reviewing (i) information from  
12 Pharmacists Assisting Pharmacists of Arizona ("PAPA") regarding Respondent's  
13 compliance with the terms of the PAPA program/contract; (ii) a progress  
14 report/recommendation from Respondent's PAPA counselor, which may be  
15 submitted in writing to the Board; and (iii) any input from Respondent.

16 B. No sooner than six (6) months from October 19, 2009, Respondent  
17 may request in writing that the Board terminate the suspension. Respondent's  
18 request to terminate suspension will be considered at a regularly scheduled Board  
19 meeting. Respondent is required to personally appear at that Board meeting.

20 C. Respondent shall, within ten (10) days of the effective date of this  
21 Order, return his pharmacist license to the Board office for the period of  
22 suspension.

23 D. On November 10, 2009, Respondent signed a five (5) year contract  
24 with PAPA. **Upon execution of this Consent Agreement, Respondent shall**  
25 **immediately sign a new contract with PAPA which shall extend for the entire**  
26

1 term of his suspension and probation under this Consent Agreement.  
2 Respondent shall abide by each and every requirement of the new PAPA contract.  
3 Failure to participate in the PAPA program or to abide by the PAPA contract's  
4 terms is a violation of this Order.

5 2. Upon termination of the period of suspension by the Board, Respondent's  
6 reinstated license shall immediately be placed on **PROBATION**. Respondent's  
7 probation is subject to the following conditions:

8 A. No sooner than five (5) years from the beginning of Respondent's  
9 probationary period, Respondent shall request in writing that the Board terminate  
10 his probation. Respondent's request for termination will be considered at a  
11 regularly scheduled Board meeting. Respondent is required to personally appear  
12 at that Board meeting. Respondent's probationary period will continue until  
13 Respondent's request for termination is received and the Board terminates the  
14 probation.

15 B. Respondent shall continue to comply with the terms of his PAPA  
16 contract.

17 C. Respondent shall furnish all pharmacy employers with a copy of this  
18 Consent Agreement. Respondent shall ensure that all pharmacy employers submit  
19 to the Board a written acknowledgement that they have received a copy of this  
20 Consent Agreement within ten (10) days of entering into an employment  
21 relationship with Respondent.

22 D. Respondent shall not serve as a preceptor pharmacist or pharmacist  
23 in charge.

24 E. Respondent shall advise the Board within ten (10) days of any  
25 change in pharmacy employment status.  
26

1           3.       Within five (5) years from the execution date of this Consent Agreement,  
2 Respondent shall complete 400 hours of community service approved by Board staff.  
3 Respondent shall ensure that all entities to which he provides community service verify  
4 in writing to the Board the number of hours completed within 30 days of Respondent  
5 completing the community service.

6           3.       Respondent shall pay all necessary fees and complete all continuing  
7 education requirements throughout the term of his suspension and probation.

8           4.       Throughout the term of Respondent's suspension and probation,  
9 Respondent shall personally appear before the Board when requested to do so by the  
10 Board or Board staff.

11          5.       Respondent shall furnish the Board with a list of all jurisdictions in which  
12 he maintains or has maintained licensure in the profession of pharmacy along with the  
13 registration numbers of said licenses.

14          6.       Respondent shall obey all federal and state laws and rules governing the  
15 practice of pharmacy.

16          7.       Respondent shall execute all appropriate release of information forms to  
17 permit the Respondent's treatment professionals and PAPA to communicate with the  
18 Board and forward information regarding Respondent's treatment directly to the Board.

19          8.       Respondent shall pay all costs associated with complying with this Consent  
20 Agreement, including all expenses associated with PAPA.

21          9.       If Respondent violates this Order in any way or fails to fulfill the  
22 requirements of this Order, the Board, after giving the Respondent notice and the  
23 opportunity to be heard, may revoke, suspend or take other disciplinary actions against  
24 Respondent's license. The issue at such a hearing will be limited solely to whether this  
25 Order has been violated.

26

1  
2 DATED this 13<sup>th</sup> day of JANUARY 2010.

3  
4 ARIZONA STATE BOARD OF PHARMACY

5 (Seal)

6 By:   
7 HAL WAND, R.Ph.  
8 Executive Director

9 ORIGINAL OF THE FOREGOING FILED  
10 this 14 day of JAN, 2010, with:

11 Arizona State Board of Pharmacy  
12 1700 West Washington, Suite 250  
13 Phoenix, Arizona 85007

14 EXECUTED COPY OF THE FOREGOING MAILED  
15 BY FIRST-CLASS and CERTIFIED MAIL  
16 this 14 day of JAN, 2010, to:

17 Thomas Goebig  
18 13701 N. 71<sup>st</sup> Drive  
19 Peoria, Arizona 85381

20 EXECUTED COPY OF THE FOREGOING MAILED  
21 this 14 day of JAN, 2010, to:

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

641064