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DID NOT
SIGN 85306 - Glendale

April 30th

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

13 In the Matter of

14 **JEFFREY MCKINNEY**

Board Case No. 10-0062-PHR

15 Holder of License No. T008347
16 As a Pharmacy Technician
17 In the State of Arizona

**CONSENT AGREEMENT
AND ORDER FOR SURRENDER**

18 In the interest of a prompt and judicious settlement of this case, consistent with the
19 public interest, statutory requirements and the responsibilities of the Arizona State Board
20 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Jeffrey McKinney
21 ("Respondent"), holder of Pharmacy Technician License Number T008347 in the State of
22 Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions
23 of Law and Order ("Consent Agreement") as a final disposition of this matter.

24 **RECITALS**

25 1. Respondent has read and understands this Consent Agreement and has had
26 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
opportunity to discuss this Consent Agreement with an attorney.

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 the event that Respondent should ever reapply for
11 licensure with the Board or ever petition for reinstatement.

12 5. Respondent understands this Consent Agreement deals with Board
13 Complaint No. 3769 involving allegations of unprofessional conduct against Respondent.
14 The investigation into these allegations against Respondent shall be concluded upon the
15 Board's adoption of this Consent Agreement.

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

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

24 8. Respondent acknowledges and agrees that, upon signing this Consent
25 Agreement and returning this document to the Board's Executive Director, he may not
26

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

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

13 10. 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 11. Respondent 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 12. Respondent agrees that the Board will adopt the following Findings of Fact,
21 Conclusions of Law and Order.

22 ...
23 ...
24 ...
25 ...

26

1 ACCEPTED AND AGREED BY RESPONDENT

2
3 Dated: _____

3 Jeffrey McKinney

4 Subscribed and sworn to before me in the County of _____, State of _____,
5 this ____ day of _____, 2010, by Jeffrey McKinney.

6
7 _____
8 NOTARY PUBLIC

8 My Commission expires: _____

9 **FINDINGS OF FACT**

10 1. On April 16, 2009, Respondent signed a Consent Agreement Reinstating
11 Pharmacy Technician License with Probation in Board Case No. 09-0049-PHR (the
12 "2009 Consent Agreement"). The 2009 Consent Agreement became effective on May 7,
13 2009.

14 2. The 2009 Consent Agreement placed Respondent's reinstated license on
15 probation and required, among other things, that Respondent undergo random urinalysis
16 testing not less than two times per month when not working in a pharmacy and not less
17 than four times per month when working in a pharmacy. 2009 Consent Agreement at 5,
18 ¶2.

19 3. Respondent has not submitted to urinalysis testing since October 30, 2009.

20 **CONCLUSIONS OF LAW**

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

23 2. Pursuant to A.R.S. § 32-1927.01(A)(1), the Board may discipline a
24 pharmacy technician who has engaged in unprofessional conduct.

1 ORIGINAL OF THE FORGOING FILED
this ____ day of _____, 2010, with:

2
3 Arizona State Board of Pharmacy
4 1700 West Washington, Suite 250
5 Phoenix, Arizona 85007

6 EXECUTED COPY OF THE FOREGOING MAILED
7 BY FIRST-CLASS and CERTIFIED MAIL
8 this ____ day of _____, 2010, to:

9 Jeffrey McKinney
10 14014 N. 54th Ave.
11 Phoenix, Arizona 85306

12 EXECUTED COPY OF THE FOREGOING MAILED
13 this ____ day of _____, 2010, to:

14 Elizabeth A. Campbell
15 Assistant Attorney General
16 1275 W. Washington Street, CIV/LES
17 Phoenix, Arizona 85007
18 Attorney for the Board

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