

1 01-0016-HO

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

3 In the Matter of:

4 JOAN KAY BREKKEN)
5 Pharmacist License)
6 Number 6899)

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND BOARD ORDER NO. 01-0016-PHR**

7 DIRECTED TO: JOAN KAY BREKKEN
8 4502 E. Paradise Village Parkway South #1038
9 Phoenix, AZ 85032

10 Pursuant to Notice of Hearing Number 01-0016-PHR ("Notice") this matter came before the
11 Arizona State Board of Pharmacy ("Board") on September 6, 2001.

12 Gerald G. Ritt, president, presided with members Susan V. Ford, Dennis McAllister, Paul
13 Draugalis, William Jones and Eugene Drake in attendance.

14 The State was represented by the Office of the Attorney General, Victoria Martin, Assistant
15 Attorney General, Licensing and Enforcement Section.

16 The respondent, JOAN KAY BREKKEN was not present and was not represented by counsel.

17 **FINDINGS OF FACT**

18 **I**

19 1. JOAN KAY BREKKEN is the holder of Pharmacist License Number 6899 issued by the
20 Arizona State Board of Pharmacy which permits the holder to practice pharmacy in the State of Arizona.

21 2. JOAN KAY BREKKEN failed to file a timely response and denial of the allegations made in
22 the Notice and failed to appear at the scheduled time and place as detailed in the Notice, which results in
23 a default under A.R.S. § 41-1092.07 (F)(5) and the allegations being deemed admitted by her, pursuant
24 to Board administrative rules A.A.C. R4-23-104 (A) & (I). Based on the foregoing, the Board finds
25 that: That JOAN KAY BREKKEN admits to violations of A.R.S. § 32-1932.01 and A.R.S. § 1927(A)(5)
26 to wit:

The licensee has failed to submit to a bodily fluid screen as required by her contract with the
Pharmacists Assisting Pharmacists of Arizona (PAPA).

1 The licensee is addicted to the use of alcohol or drugs to such a degree as to render her unfit, in
2 the opinion of the board to practice the profession of pharmacy.

3 JOAN KAY BREKKEN admits to the fact that the conduct contained in the factual allegations
4 constitutes grounds for disciplinary action as provided for in A.R.S. § 32-1927(A)(5).

5 **CONCLUSIONS OF LAW**

6 **II**

7 1. The Board concludes that it has jurisdiction in this Matter pursuant to A.R.S. § 32-1927 (A)(5).

8 2. The Board concludes that JOAN KAY BREKKEN did violate A.R.S. § 32-1932.01 and A.R.S.
9 § 32-1927(A)(5) to wit:

10 The licensee has failed to submit to a random bodily fluid screen as required by her contract with
11 Pharmacists Assisting Pharmacists of Arizona (PAPA).

12 The licensee is addicted to the use of alcohol or drugs to such a degree as to render her unfit, in
13 the opinion of the board, to practice the profession of pharmacy.

14 **ORDER**

15 **III**

16 The Pharmacist License Number 6899 issued to JOAN KAY BREKKEN is hereby revoked.

17 **RIGHT TO REHEARING**

18 **IV**

19 JOAN KAY BREKKEN is hereby notified that she has the right to petition this Board for a
20 rehearing or review of this decision within thirty (30) days after the receipt of this Order pursuant to
21 A.A.C. R4-23-109 (D). A request for a rehearing or review of this decision shall be in writing and satisfy
22 the prerequisites in A.R.S. R4-23-109(D). Pursuant to A.R.S. § 42-1092.09(B), failure to file a motion
23 for rehearing or review has the effect of prohibiting judicial review of this Order.

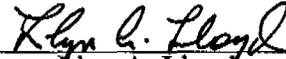
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26 . . .

1 DATED this 6th day of September, 2001

2 ARIZONA STATE BOARD OF PHARMACY

3
4
5 SEAL

By



Lyn A. Lloyd
Executive Director

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8
9 Copies of the foregoing Finding
10 of Fact, Conclusions of Law and
11 Board Order mailed via Certified Mail
this 10th day of September, 2001 to:

12 JOAN KAY BREKKEN
13 4502 E. Paradise Village Parkway South #1038
Phoenix, AZ 85032

14 and by Courier Mail to:

15 Victoria Martin
16 Assistant Attorney General
17 1275 W. Washington
Phoenix, AZ 85007
Attorney for the State

18 and

19 Tom Dennis
20 Assistant Attorney General
21 1275 W. Washington
Phoenix, AZ 85007
Solicitor General's Office

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BOARD ORDER 01-0016-PHR

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4502 E. Paradise Village Pkwy South
City, State, ZIP+4
#1038, Phoenix, AZ 85032

PS Form 3800, May 2000

See Reverse for Instructions