

1 03-0004-PHR

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

3 In the Matter of:

4 ALAN L. CLENDENIN)
5 Pharmacist License)
6 Number 8255)
_____)

**CONSENT AGREEMENT AND
STIPULATED ORDER
03-0004-PHR**

7 DIRECTED TO: ALAN L. CLENDENIN
8 4148 W. Maryland
9 Phoenix, AZ 85019

RECITALS

10 In the interest of a prompt and judicious settlement of this case, consistent with the public interest,
11 statutory requirements and the responsibilities of the Arizona State Board of Pharmacy ("Board") and
12 pursuant to A.R.S. §§ 32-1901 *et seq* and 41-1092.07(F)(5), ALAN L. CLENDENIN ("Respondent"),
13 holder of pharmacist license number 8255 to practice pharmacy in the State of Arizona, and the Board
14 enter into the following Recitals, Findings of Fact, Conclusions of Law and Order ("CONSENT
15 AGREEMENT") as a final disposition of this matter.

16 1. Respondent has read and understands this CONSENT AGREEMENT and has had the
17 opportunity to discuss this CONSENT AGREEMENT with an attorney, or has waived the opportunity
18 to discuss this CONSENT AGREEMENT with an attorney.

19 2. Respondent understands that he has a right to a public administrative hearing concerning each
20 and every allegation set forth in the above-captioned matter, at which hearing he could present evidence
21 and cross-examine witnesses. By entering into this CONSENT AGREEMENT, Respondent freely and
22 voluntarily relinquishes all right to such an administrative hearing, as well as rights of rehearing, review,
23 reconsideration, appeal, judicial review or any other administrative and/or judicial action, concerning the
24 matters set forth herein. Respondent affirmatively agrees that this CONSENT AGREEMENT shall be
25 irrevocable.

26 3. Respondent understands that this CONSENT AGREEMENT or any part of the agreement may

1 be considered in any future disciplinary action against him.

2 4. Respondent understands that this CONSENT AGREEMENT does not constitute a dismissal
3 or resolution of any other matters currently pending before the Board, if any, and does not constitute any
4 waiver, express or implied, of the Board statutory authority or jurisdiction regarding any other pending
5 or future investigation, action or proceeding. Respondent also understands that acceptance of this
6 CONSENT AGREEMENT does not preclude any other agency, subdivision, or officer of this State from
7 instituting other civil or criminal proceedings with respect to the conduct that is the subject of this
8 CONSENT AGREEMENT.

9 5. Respondent acknowledges and agrees that upon signing this CONSENT AGREEMENT and
10 returning this document to the Board's Executive Director, Respondent may not revoke his acceptance
11 of the CONSENT AGREEMENT or make any modifications to the document regardless of whether the
12 CONSENT AGREEMENT has been signed by the Executive Director. Any modification to this original
13 document is ineffective and void unless mutually agreed by the parties in writing.

14 6. Respondent understands that the foregoing CONSENT AGREEMENT shall not become
15 effective unless and until adopted by the Board and signed by its Executive Director.

16 7. Respondent understands and agrees that if the Board does not adopt this CONSENT
17 AGREEMENT, he will not assert as a defense that the Board's consideration of this CONSENT
18 AGREEMENT constitutes bias, prejudice, prejudgement or other similar defense.

19 8. Respondent understands that this CONSENT AGREEMENT is a public record that may be
20 publicly disseminated as a formal action of the Board and may be reported as required by law to the Health
21 Care Integrity and Protection Data Bank.

22 9. Respondent understands that if he violates this Order in any way or fails to fulfill the
23 requirements of this Order, the Board, after giving him notice and the opportunity to be heard, may
24 revoke, suspend or take other disciplinary action against him. The sole issue at such hearing shall be
25 whether or not he violated this Order.

26

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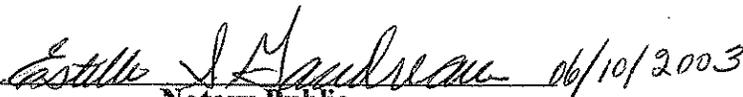
1 REVIEWED AND ACCEPTED BY:

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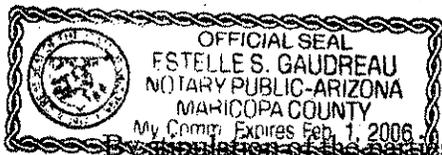
3 ALAN L. CLENDENIN

6/10/03

DATE

4 

5 Notary Public



6 FINDINGS OF FACT

7 By stipulation of the parties, this CONSENT AGREEMENT is entered into for final disposition
8 of the matters described herein. Respondent acknowledges that sufficient evidence exists for the Board
9 to make the following Findings of Fact:

10 10. Respondent is the holder of license 8255 which permits him to engage in the practice of
11 pharmacy in Arizona.

12 11. On June 26, 1991, Respondent signed a Pharmacists Assisting Pharmacists of Arizona
13 ("PAPA") contract that required him to attend six (6) Alcoholics Anonymous meetings, attend weekly
14 peer group counseling, complete Tarros outpatient program, and submit twenty-four (24) urine screens.

15 12. On January 7, 1993, Respondent was called for a random urine screen and tested positive for
16 methamphetamine and amphetamine in violation of the PAPA contract.

17 13. On February 2, 1993, Respondent signed a new PAPA contract that required him to attend
18 four (4) peer group meetings per month, attend three (3) Alcoholics Anonymous or Narcotics Anonymous
19 meetings per week, and submit twenty-four (24) urine screens per year.

20 14. On July 6, 1995, Respondent made a request to the Board that his license to practice pharmacy
21 be reinstated. The Board reinstated Respondent's license to practice and an addendum was added to
22 Respondent's PAPA contract that required him to attend four (4) peer group sessions per month, attend
23 three (3) self-help sessions per week, and submit forty-eight (48) urine screens per year.

24 15. On April 8, 1997, Respondent was called for a random urine screen and tested positive for a
25 cocaine metabolite in violation of the PAPA contract. The positive result was confirmed by a Medical
26

1 Review Officer.

2 16. In May 1997, Respondent voluntarily surrendered his pharmacist license, number 8255, to the
3 PAPA staff.

4 17. On July 11, 1997, Respondent signed a new PAPA contract that required him to attend four
5 (4) self-help meetings per week, attend weekly peer group counseling sessions, and submit forty-eight (48)
6 urine screens per year.

7 18. In April 2000, Respondent made a written request to the PAPA Steering Committee that
8 requested the self-help meetings be reduced to three (3) per week and the urine screens be reduced to
9 twenty-four (24) per year. PAPA denied the request to reduce the Respondent's self-help meeting to
10 three (3) per week and granted the request to reduce the urine screens to twenty-four (24) per year.

11 19. On August 2, 2002, Respondent was called for a random urine screen and tested positive for
12 methamphetamine in violation of the PAPA contract. The positive result was confirmed by a Medical
13 Review Officer.

14 20. On August 12, 2002, Respondent was admitted as an inpatient to Valley Hope Treatment
15 Center.

16 21. On August 14, 2002, Respondent's PAPA contract was terminated because he admitted
17 himself to Valley Hope Treatment Center.

18 22. On September 10, 2002, Respondent signed a new PAPA contract that required him to attend
19 weekly peer group counseling sessions, attend three (3) self-help meetings per week, and submit twenty-
20 four (24) random urine screens per year.

21 23. On October 8, 2002, upon the advice of the Respondent's group counselor, he entered the
22 Crossroads Halfway House. In April 2003, Respondent left the Crossroads Halfway House and moved
23 back home.

24 CONCLUSIONS OF LAW

25 24. The conduct and circumstances described in the factual allegations above constitutes grounds
26 for disciplinary action pursuant to A.R.S. § 32-1932.01(D), and A.R.S. § 32-1927(A)(5) to wit: