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

9 In the Matter of

10 **JAMES GREEN**

11 Holder of License No. 5337
12 For the Practice of Pharmacy
13 In the State of Arizona

Board Case No. 06-0028-PHR

**CONSENT AGREEMENT
FOR REVOCATION**

14 **RECITALS**

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") and under A.R.S. §§ 32 1901, *et. seq.* and 41 1092.07(F)(5),
18 James Green ("Respondent"), holder of Pharmacist License Number 5337 in the State of
19 Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions
20 of Law and Order ("Consent Agreement") as a final disposition of this matter.

21 1. Respondent has read and understands this Consent Agreement and has had
22 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
23 opportunity to discuss this Consent Agreement with an attorney.
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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 Case
12 No. involving allegations of unprofessional conduct against Respondent. The
13 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. All admissions made by the Respondent in this Consent Agreement are
24 made solely for the final disposition of this matter, and any related administrative pro-
25 ceedings or civil litigation involving the Board and Respondent. Therefore, any admis-
26

1 sions made by Respondent in this Consent Agreement are not intended for any other use,
2 such as in the context of another regulatory agency's proceedings, or civil or criminal
3 proceedings, whether in the State of Arizona or in any other state or federal court.

4 9. Respondent acknowledges and agrees that, upon signing this Consent
5 Agreement and returning this document to the Board's Executive Director, he may not
6 revoke his acceptance of the Consent Agreement or make any modifications to the
7 document regardless of whether the Consent Agreement has been signed by the Execu-
8 tive Director. Any modification to this original document is ineffective and void unless
9 mutually agreed by the parties in writing.

10 10. Respondent understands that the Consent Agreement shall not become
11 effective unless and until adopted by the Board and signed by its Executive Director.

12 11. 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 12. Respondent understands and agrees that if the Board does not adopt this
16 Consent Agreement, he will not assert as a defense that the Board's consideration of this
17 Consent Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

18 13. Respondent understands that this Consent Agreement is a public record that
19 may be publicly disseminated as a formal action of the Board and may be reported as
20 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
21 Protection Data Bank.

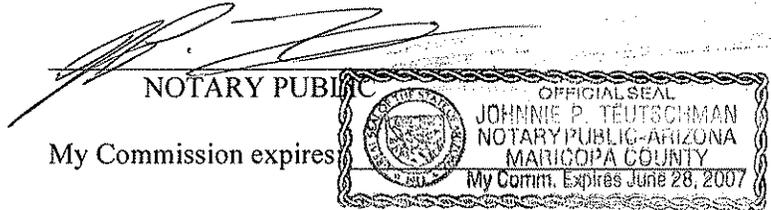
22 14. Respondent understands that any violation of this Consent Agreement
23 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
24 1901.01(B)(20), -1927(A)(1).

1 ACCEPTED AND AGREED BY RESPONDENT

2 James Green
3 James Green

Dated: 7-13-06

4 Subscribed and sworn to before me in the County of MARICOPA, State of ARIZONA,
5 this 13th day of OCTOBER, 2006, by James Green.



10 **FINDINGS OF FACT**

- 11 1. The Arizona State Board of Pharmacy ("Board") is the duly constituted
- 12 authority for licensing and regulating the practice of pharmacy in the State of Arizona.
- 13 2. James Green ("Respondent") is the holder of license number 5337 to
- 14 practice as a pharmacist in the State of Arizona.
- 15 3. During all times relevant to these Findings, Respondent worked as a
- 16 pharmacist at two different hospital sites for the same hospital group, Select Specialty
- 17 Hospital ("Pharmacy").
- 18 4. On or about May 11, 2006, during an annual inventory of controlled
- 19 substances, the pharmacy director found a pattern of drug discrepancies. On at least
- 20 fifteen occasions, Percocet or hydrocodone/acetaminophen 5mg/500 mg was withdrawn
- 21 from the Pharmacy inventory and transferred to one of the nursing units. The controlled
- 22 substances, however, were not transferred to the unit and their count did not indicate this
- 23 transfer.
- 24 5. Upon investigation, all of the products involved were signed out and
- 25 allegedly transferred by Respondent.

- 1 (ii) On a written prescription order bearing the prescribing medical practitioner's
2 manual signature;
3 (iii) On an electronically transmitted prescription order containing the prescribing
4 medical practitioner's electronic or digital signature that is reduced promptly to
5 writing and filed by the pharmacist;
6 (iv) On a written prescription order generated from electronic media containing
7 the prescribing medical practitioner's electronic or manual signature. A
8 prescription order that contains only an electronic signature must be applied to
9 paper that uses security features that will ensure the prescription order is not
10 subject to any form of copying or alteration;
11 (v) On an oral prescription order that is reduced promptly to writing and filed by
12 the pharmacist;
13 (vi) By refilling any written, electronically transmitted or oral prescription order
14 if a refill is authorized by the prescriber either in the original prescription order, by
15 an electronically transmitted refill order that is documented promptly and filed by
16 the pharmacist or by an oral refill order that is documented promptly and filed by
17 the pharmacist. A.R.S. § 32-1968(A).

18 **ORDER**

19 Based upon the above Findings of Fact and Conclusions of Law and under the
20 authority granted to the Board by A.R.S. §§ 32-1928, 41-1092.07(F)(5), and A.A.C. R4-
21 23-122 (c),

22 IT IS HEREBY ORDERED THAT License No. 5337, which was issued to James
23 Green to practice as a Pharmacist in the State of Arizona, is hereby REVOKED.

24 DATED this 2nd day of AUGUST, 2006.

25 ARIZONA STATE BOARD OF PHARMACY

26 (Seal)

By: 
HAL WAND, R.Ph.
Executive Director

1 ORIGINAL OF THE FORGOING FILED
2 this 2nd day of August, 2006, with:

3 Arizona State Board of Pharmacy
4 4425 W. Olive Avenue, Suite 140
5 Glendale, Arizona 85302

6 EXECUTED COPY OF THE FOREGOING MAILED
7 BY CERTIFIED MAIL

8 this 2nd day of August, 2006, to:

9 James Green
10 2017 N. 56th Avenue
11 Phoenix, Arizona 85035
12 Respondent

13 EXECUTED COPY OF THE FOREGOING MAILED
14 this 2nd day of August, 2006, to:

15 Dawn Walton Lee
16 Assistant Attorney General
17 1275 W. Washington Street, CIV/LES
18 Phoenix, Arizona 85007
19 Attorneys for the State of Arizona

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