ARIZONA STATE BOARD OF PHARMACY
4425 W. Olive Avenue, Suite 140
Glendale, Arizona 85302
623-463-2727

IN THE MATTER OF :	**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER NO. 07-0028-PHR**
In the Matter of **DANA KINAS** Holder of License No. 13541 For the Practice of Pharmacy In the State of Arizona Respondent	

On March 29, 2007 the Arizona State Board of Pharmacy ("Board") considered the State's Motion to Deem Allegations Admitted at the Chandler Public Library City Council Chambers, 22 S. Delaware, 2nd Floor, Chandler, Arizona. Seth Hargraves, Assistant Attorney General, appeared on behalf of the State. Respondent did not appear. The Board was represented by Assistant Attorney General Chris Munns, with the Solicitor General's Section of the Attorney General's Office.

On March 29, 2007 the Board granted the State's Motion to Deem Allegations Admitted. Based upon A.R.S. § 32-1927(O) and the Complaint and Notice of Hearing No. 07-0028-PHR filed in this matter, the Board issues the following Findings of Fact and Conclusions of Law, and Order revoking Respondent's license.

FINDINGS OF FACT

1. The Arizona State Board of Pharmacy ("Board") has the authority to regulate and control the practice of pharmacy in the State of Arizona. A.R.S. §32-1904. The Board also has the authority to

impose disciplinary sanctions against the holders of pharmacist licenses for violations of the Pharmacy Act. A.R.S. §§ 32-1901 to 1996.

2. Dana Kinas, ("Respondent") holds Board issued pharmacist license No. 13541.

3. During all times relevant to these Findings, Respondent served as the night pharmacist at CVS Pharmacy #52 in Phoenix, Arizona ("Pharmacy").

4. On or about October 3, 2006, Board staff received information that the Respondent had filled prescriptions for herself. The medications were Levothyroxine 200mcg and Mirtazapine 45mg..

5. A review of the daily prescription register showed the prescriptions were originally processed by Respondent on June 7, 2006 for #90 each. The Mirtazapine was refilled on July 4, July 31, and August 28, 2006 for #90 each time.

6. On October 17, 2006, a prescription verification request was faxed to James Marczack, PAC. On October 17, 2006, a return fax was received from Mr. Marczak stating that Respondent was not a patient of his, and none of the original prescriptions or refills had been authorized by him.

7. Respondent completed a signed statement on October 2, 2006, admitting to filling the prescriptions for herself. Respondent admitted that James Marczak was entered as the prescriber for each prescription, and that neither prescription had actually been called in by James Marczak or someone in his office. Respondent stated that she had the hard copy of the prescriptions at her home.

CONCLUSIONS OF LAW

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

2. The Board may discipline a pharmacist who has engaged in unprofessional conduct. A.R.S. § 32-1927(A)(1).

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

4. The conduct and circumstances described above constitutes unprofessional conduct pursuant to A.R.S. § 32-1901.01(B)(11) ("Knowingly dispensing a drug without a valid prescription order as required pursuant to section 32-1968 subsection A.").

5. The conduct and circumstances described above constitutes unprofessional conduct pursuant to A.R.S. § 32-1901.01(B)(19) ("Violating or attempting to violate, directly or indirectly, or assisting in or abetting in the violation of, or conspiring to violate, this chapter.").

ORDER

In view of the above Findings of Fact and Conclusions of Law, the Board issues the following Order:

Pharmacist license No. 13541 issued to Dan Kinas is revoked. A.R.S. § 32-1927(A)(1).

RIGHT TO PETITION FOR REHEARING OR REVIEW

Respondent is hereby notified of the right to petition for a rehearing or review by filing a petition with the Board's Executive Director within thirty (30) days after service of this Order. A.R.S. § 41-1092.09. The petition must set forth legally sufficient reasons for granting a rehearing. A.C.C. R4-23-128. Service of this order is effective five (5) days after date of mailing.

If a motion for rehearing is not filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent.

Respondent is further notified that the filing of a motion for rehearing is required to preserve any rights of appeal to the Superior Court.

DATED this 9th day of April, 2007.

ARIZONA STATE BOARD OF PHARMACY

SEAL

Hal Wand, R.Ph.
Executive Director

COPIES mailed this 10 day of April 2007, by
Certified Mail Receipt No. 7006 0100 0002 8652 2267
to:

Dana Kinas
8115 N. 18th Street #135
Phoenix, Arizona 85020

COPIES of the foregoing mailed this 10 day of April 2007, to:

Seth Hargraves, Assistant Attorney General

and

Christopher Munns, Assistant Attorney General, Solicitors Office

Both located at
1275 W. Washington
Phoenix, AZ 85007