

1 TERRY GODDARD
Attorney General
2 (Firm State Bar No. 14000)

3 ELIZABETH A. CAMPBELL
Assistant Attorney General
4 State Bar No. 018311
1275 W. Washington, CIV/LES
5 Phoenix, Arizona 85007-2997
Tel: (602) 542-7979
6 Fax: (602) 364-3202

7 Attorneys for the Arizona State Board of Pharmacy

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

10 In the Matter of

11 **JAMES PETERSON,**

12 Holder of License No. 9155
As a Pharmacist
13 In the State of Arizona

Board Case No. 08-0042-PHR

**CONSENT AGREEMENT
FOR SURRENDER**

14
15 **RECITALS**

16 In the interest of a prompt and judicious settlement of this case, consistent with the
17 public interest, statutory requirements and the responsibilities of the Arizona State Board
18 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, James Peterson ("Respondent"),
19 holder of Pharmacist License Number 9155 in the State of Arizona, and the Board enter
20 into the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent
21 Agreement") as a final disposition of this matter.

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

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
12 Complaint No. 3499 involving allegations of unprofessional conduct against Respondent.
13 The 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. Respondent acknowledges and agrees that, upon signing this Consent
24 Agreement and returning this document to the Board's Executive Director, he may not
25 revoke his acceptance of the Consent Agreement or make any modifications to the
26

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

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

6 ~~10. If a court of competent jurisdiction rules that any part of this Consent~~
7 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
8 shall remain in full force and effect.

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

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

16 13. Respondent understands that any violation of this Consent Agreement
17 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
18 1901.01(B)(20), -1927(A)(1).

19 ...
20 ...
21 ...
22 ...
23 ...
24 ...
25 ...
26

1 ACCEPTED AND AGREED BY RESPONDENT

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Dated: _____

James Peterson

Subscribed and sworn to before me in the County of _____, State of _____,
this _____ day of _____, 2008, by James Peterson.

NOTARY PUBLIC

My Commission expires: _____

FINDINGS OF FACT

1. The Board is the duly constituted authority for licensing and regulating the practice of pharmacy in the State of Arizona.
2. Respondent is the holder of license number 9155 to practice as a pharmacist in the State of Arizona.
3. In February 2008, Respondent was evaluated by Michael Mahl, M.D., who is board certified in general psychiatry as well as certified in addiction medicine. Dr. Mahl determined that Respondent was unable to safely and competently practice as a pharmacist.
4. In February 2008, Respondent was evaluated by Julian Pickens, Ed.D, a licensed independent substance abuse counselor and board certified interventionist. Dr. Pickens determined that Respondent was unable to safely and competently practice as a pharmacist.

...

1 CONCLUSIONS OF LAW

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

4 2. The Board may discipline a pharmacist who is physically or mentally
5 incapacitated to such a degree as to render the licensee unfit to practice the profession of
6 pharmacy. A.R.S. § 32-1927(A)(3).

7 ORDER

8 Based upon the above Findings of Fact and Conclusions of Law, Respondent
9 hereby **SURRENDERS** License No. 9155, which was issued to him to practice as a
10 pharmacist in the State of Arizona. The surrender of Respondent's license shall be
11 treated as the revocation of his license. Respondent shall not reapply for licensure in
12 the State of Arizona or petition for reinstatement of his Arizona pharmacist license for
13 a period of at least five (5) years from the effective date of this Consent Agreement.

14
15 DATED this _____ day of _____, 2008.

16
17 ARIZONA STATE BOARD OF PHARMACY

18 (Seal)

19
20 By: _____
21 HAL WAND, R.Ph.
22 Executive Director
23
24
25
26

1 ORIGINAL OF THE FORGOING FILED
this ____ day of _____, 2008, with:

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

5 EXECUTED COPY OF THE FOREGOING MAILED
BY CERTIFIED MAIL
6 this ____ day of _____, 2008, to:

7 James Peterson
8 5203 E. Coronado Circle
9 Phoenix, Arizona 85044
10 Respondent

11 EXECUTED COPY OF THE FOREGOING MAILED
12 this ____ day of _____, 2008, to:

13 Elizabeth A. Campbell
14 Assistant Attorney General
15 1275 W. Washington Street, CIV/LES
16 Phoenix, Arizona 85007

17

18 _____
19 #183620

20

21

22

23

24

25

26



1 TERRY GODDARD
Attorney General
2 (Firm State Bar No. 14000)

3 ELIZABETH A. CAMPBELL
Assistant Attorney General
4 State Bar No. 018311
1275 W. Washington, CIV/LES
5 Phoenix, Arizona 85007-2997
Tel: (602) 542-7979
6 Fax: (602) 364-3202

7 Attorneys for the Arizona State Board of Pharmacy

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

9
10 In the Matter of

11 **JAMES PETERSON, Pharm.D.**

12 Holder of License No. 9155
As a Pharmacist
13 In the State of Arizona

Board Case No. 08-0042-PHR

**AMENDMENT TO CONSENT
AGREEMENT FOR SUSPENSION
AND PROBATION**

14 The Arizona State Board of Pharmacy ("Board") and James Peterson ("Dr.
15 Peterson") hereby enter into this Amendment to the Consent Agreement for Probation
16 with regard to Board Case No. 08-0042-PHR signed by Dr. Peterson on August 26, 2008,
17 and effective September 11, 2008 ("Consent Agreement").

18 Under the Consent Agreement, Dr. Peterson was to meet with his treating
19 psychiatrist at least once every two months and sign and comply with a Pharmacists
20 Assisting Pharmacists of Arizona ("PAPA") contract. While Dr. Peterson has been
21 meeting with his psychiatrist as required, Dr. Peterson has never signed a PAPA contract.
22 At the Board's March 2009 Board Meeting, Dr. Peterson requested that the suspension
23 placed on his license be lifted and that probation be imposed. In response to Dr.
24 Peterson's request, and upon review of the reports from Dr. Peterson's treating
25
26

1 psychiatrist and an evaluation by a second psychiatrist, Dr. Peterson and the Board
2 hereby amend the Consent Agreement as set forth in this Amendment.

3 **RECITALS**

4 1. Dr. Peterson has read and understands this Amendment and has had the
5 opportunity to discuss this Amendment with an attorney, or has waived the opportunity to
6 discuss this Amendment with an attorney.

7 2. Dr. Peterson affirmatively agrees that this Amendment shall be irrevocable.

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

13 4. Dr. Peterson understands that this Amendment shall not become effective
14 unless and until adopted by the Board and signed by its Executive Director.

15 5. If a court of competent jurisdiction rules that any part of this Amendment is
16 void or otherwise unenforceable, the remainder of the Amendment shall remain in full
17 force and effect.

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

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

25

26

1 practice directly to the Board. Respondent shall comply with all recommendations
2 made by his treating psychiatrist for treatment.

3 C. Respondent shall furnish all pharmacy employers with a copy of the
4 Consent Agreement and this Amendment throughout the term of his probation.

5 D. Respondent shall not serve as a preceptor pharmacist or pharmacist
6 in charge throughout the term of his probation.

7 E. Respondent shall advise the Board immediately of any change in
8 pharmacy employment status throughout the term of his probation.

9 F. Respondent shall pay all necessary fees and complete all Continuing
10 Education requirements throughout the term of his probation to maintain
11 Pharmacist License No. 9155. However, Respondent may, at any time this
12 Consent Agreement is in effect, voluntarily surrender his license with the
13 understanding that the same will be treated and considered as a revocation of the
14 license by the Board.

15 G. Respondent shall obey all federal and state laws and rules governing
16 the practice of pharmacy.

17 H. Respondent shall furnish the Board with a list of all jurisdictions in
18 which he maintains or has maintained licensure in the profession of pharmacy
19 along with the registration numbers of said licenses.

20 2. If Respondent violates this order in any way or fails to fulfill the
21 requirements of this order, the Board, after giving the Respondent notice and the
22 opportunity to be heard, may revoke, suspend or take other disciplinary actions against
23 the Respondent's license. The issue at such a hearing will be limited solely to whether
24 this Order has been violated.

1 3. No sooner than four (4) years from the effective date of this Amendment,
2 Respondent shall request in writing that the Board terminate his probation. Respondent's
3 request for termination will be considered at the Board's next regularly scheduled Board
4 meeting. Respondent is required to personally appear at that Board meeting.
5 Respondent's probationary period will continue until Respondent's request for
6 termination is received and the Board terminates the probation.

7 4. Respondent shall pay all costs associated with complying with this Consent
8 Agreement, including all expenses associated with psychiatric evaluation and treatment.

9 DATED this 1ST day of May, 2009.

10
11
12 James Peterson Pharm.D.
13 James Peterson, Pharm.D.

Hal Wand 5/6/09
14 Hal Wand, R.Ph., Executive Director
15 Arizona State Board of Pharmacy

16 ORIGINAL OF THE FORGOING FILED
17 this 6 day of May, 2009, with:

18 Arizona State Board of Pharmacy
19 1700 West Washington, Suite 250
20 Phoenix, Arizona 85007

21 EXECUTED COPY OF THE FOREGOING MAILED
22 BY FIRST-CLASS and CERTIFIED MAIL
23 this 6 day of May, 2009, to:

24 James Peterson
25 5203 E. Coronado Circle
26 Phoenix, Arizona 85044

EXECUTED COPY OF THE FOREGOING MAILED
this 6 day of May, 2009, to:

Elizabeth A. Campbell
Assistant Attorney General
1275 W. Washington Street, CIV/LES
Phoenix, Arizona 85007

[Signature]

