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

9 In the Matter of the Application of

10
11 **COLLEGE PHARMACY, INC.**

Board Case No. 08-0044-PHR

**CONSENT AGREEMENT ORDER
FOR PERMIT WITH PROBATION**

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13 **CONSENT AGREEMENT**

14 As College Pharmacy, Inc. ("Applicant") has made application to the Arizona
15 State Board of Pharmacy (the "Arizona Board") for a nonresident permit and, consistent
16 with the public interest, statutory requirements and the responsibilities of the Arizona
17 Board under A.R.S. § 32-1901, *et. seq.*, the Arizona Board and Applicant enter into the
18 following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent
19 Agreement") for licensure with probation.
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21 1. Applicant 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.

24 2. By entering into this Consent Agreement, Applicant knowingly and
25 voluntarily relinquishes all right to an administrative hearing, as well as rights of
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1 rehearing, review, reconsideration, appeal, judicial review or any other administrative
2 and/or judicial action, concerning the matters set forth herein.

3 3. Applicant is currently under federal indictment in criminal action number
4 07-CR-00338-MSK in the United States District Court for the District of Colorado. The
5 Board reserves the right to take action against the Applicant's Arizona permit based upon
6 the disposition of the pending criminal matter.

7 4. Applicant affirmatively agrees that this Consent Agreement shall be
8 irrevocable.

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

15 6. Applicant understands that the Consent Agreement shall not become
16 effective unless and until approved by the Arizona Board and signed by the Board's
17 Executive Director.

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

21 8. Applicant understands that this Consent Agreement is a public record that
22 may be publicly disseminated as a formal action of the Arizona Board and may be
23 reported as required by law to the National Practitioner Data Bank and the Healthcare
24 Integrity and Protection Data Bank.

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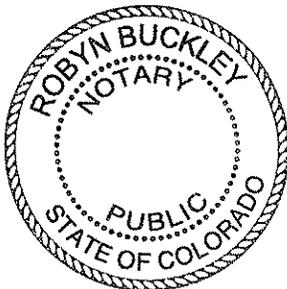
1 9. Applicant understands that any violation of this Consent Agreement
2 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
3 1901.01(A)(19), -1927.02(A)(1).

4 10. Applicant agrees that the Arizona Board will adopt the following Findings
5 of Fact, Conclusions of Law and Order.

6 ACCEPTED AND AGREED BY COLLEGE PHARMACY, INC.

7
8 J. Gillick PHARMACY MANAGER / DIRECTOR Dated: 5/12/08
9 on behalf of College Pharmacy, Inc.

10 Subscribed and sworn to before me in the County of El Paso, State of Colorado
11 this 12 day of May, 2008, by Jerry S Gillick, on behalf of College Pharmacy, Inc.



12 Robyn Buckley
13 NOTARY PUBLIC

14 My Commission expires: 1-6-2010

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16 **FINDINGS OF FACT**

17 1. The Arizona Board is the duly constituted authority for licensing and
18 regulating the practice of pharmacy in the State of Arizona.

19 2. Applicant has applied for a nonresident pharmacy permit in the State of
20 Arizona.

21 3. On December 18, 2007, pursuant to the Stipulation and Final Agency
22 Order in Colorado Board Case No. 2008-569 (the "Colorado Order"), Applicant's
23 Colorado permit was placed under certain restrictions and Applicant was required to pay
24 a \$250,000.00 fine.

1 CONCLUSIONS OF LAW

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

4 2. The conduct and circumstances described in the Findings of Fact constitute
5 grounds for denial of Applicant's application pursuant to A.R.S. § 1927.02(Q) (The
6 Arizona Board may deny a permit to an applicant for unethical conduct) and A.R.S. §
7 1901.01(A)(12) (Denial or discipline of a permittee's permit to manufacture, sell,
8 distribute or dispense drugs, devices, poisons, hazardous substances or precursor
9 chemicals in another jurisdiction and the permit was not reinstated constitutes unethical
10 conduct).

11 3. The Board, having weighed all of the above factors and determined to its
12 satisfaction that, despite the violations stated herein, Applicant currently meets the
13 requirements for a permit under A.R.S. § 32-1901 *et seq.*, subject to the terms of this
14 Consent Agreement.

15 ORDER

16 Based upon the above Findings of Fact and Conclusions of Law, IT IS HEREBY
17 ORDERED AS FOLLOWS:

- 18 1. Applicant is hereby issued an Arizona nonresident permit; and
19 2. Applicant's Arizona permit is immediately placed on PROBATION for a
20 seven-year period beginning on December 18, 2007. During the probationary period,
21 Applicant shall submit quarterly affidavits to the Arizona Board on the fifteenth (15th)
22 days of January, April, July and October of each year averring the following:
- 23 a. That College Pharmacy is compliant with all applicable laws
24 concerning the transfer, procurement, dispensing, compounding, and
25 distribution of drugs and controlled substances.
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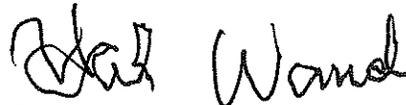
- b. That during the previous quarter, College Pharmacy's distributions did not exceed the amount specified in Arizona Law.
- c. That during the previous quarter, College Pharmacy neither dispensed nor procured human growth hormone obtained from any source other than a source or sources approved by the Federal Food and Drug Administration ("FDA");
- d. That during the previous quarter, College Pharmacy did not dispense human growth hormone for indications other than those indication for which the FDA has approved the use of human growth hormone;
- e. The during the previous quarter, all prescriptions dispensed from College Pharmacy have been dispensed pursuant to valid patient-specific orders; and
- f. That during the previous quarter College Pharmacy did not advertise, market or promote human growth hormone for anti-aging, bodybuilding or body fat reduction or any use other than those allowed under federal law or rule.

3. Applicant shall obey all federal and state laws and rules governing the practice of pharmacy, including, but not limited to, Arizona Administrative Code R4-23-410 and R4-23-670.

DATED this 14th day of May, 2008.

ARIZONA STATE BOARD OF PHARMACY

(Seal)

By: 
 HAL WAND, R.Ph.
 Executive Director

ORIGINAL OF THE FORGOING FILED
 this 14th day of May, 2008, with:

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

4 EXECUTED COPY OF THE FOREGOING MAILED
5 this 14th day of May, 2008, to:

6 Michele L. Buenafe
7 Morgan, Lewis & Bockius, LLP
8 1111 Pennsylvania Ave., NW
9 Washington, DC 20004

10 College Pharmacy, Inc.
11 3505 Austin Bluffs Parkway, Suite 101
12 Colorado Springs, CO 80918

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14 Assistant Attorney General
15 1275 W. Washington Street, CIV/LES
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17 Attorneys for the State of Arizona

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