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7 Attorneys for the Arizona State Board of Pharmacy

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

9
10 In the Matter of

11 **JOHN WHITEHEAD,**
12 Holder of License No. S008573
As a Pharmacist
13 In the State of Arizona

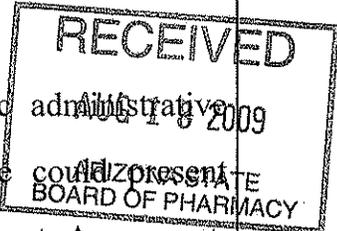
Board Case No. 10-0006-PHR

**CONSENT AGREEMENT
FOR CIVIL PENALTY AND
CONTINUING EDUCATION**

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.*, John Whitehead
19 ("Respondent"), holder of Pharmacist License Number S008573 in the State of Arizona,
20 and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law
21 and Order ("Consent 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.

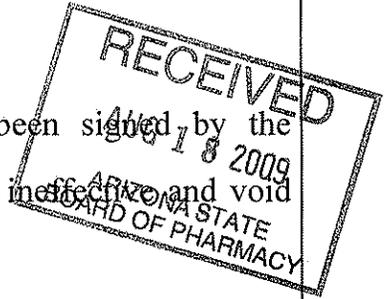
9 4. Respondent understands that this Consent Agreement or any part of the
10 agreement may be considered in any future disciplinary action by the Board against him.

11 5. Respondent understands this Consent Agreement deals with Board
12 Complaint No. 3665 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.

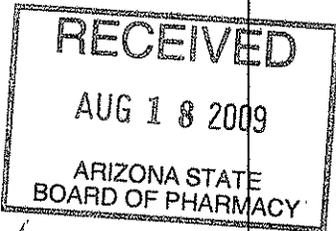
6 10. If a court of competent jurisdiction rules that any part of this Consent
7 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
8 shall remain in full force and effect.

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.

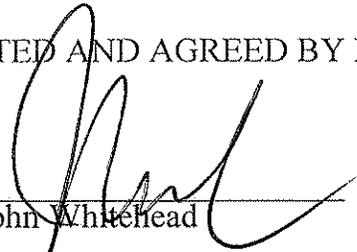
12 12. Respondent understands that this Consent Agreement is a public record that
13 may be publicly disseminated as a formal action of the Board and may be reported as
14 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
15 Protection Data Bank.

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).

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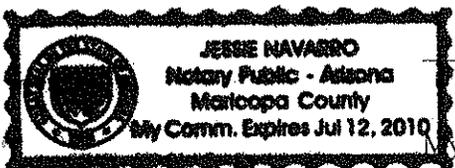


1 ACCEPTED AND AGREED BY RESPONDENT

2
3 
4 John Whitehead

Dated: 8/7/09

5 Subscribed and sworn to before me in the County of Maricopa, State of AZ,
6 this 7 day of August, 2009, by John Whitehead.



7 
8 NOTARY PUBLIC

9 My Commission expires: July 12, 2010

10 **FINDINGS OF FACT**

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

13 2. Respondent is the holder of license number S008573 to practice as a
14 pharmacist in the State of Arizona.

15 3. During all relevant times to these findings, Respondent worked as a
16 pharmacist at CVS #9306 (the "Pharmacy") in Surprise, Arizona.

17 4. In March 2009, a patient had a prescription for Lipitor® 20 mg refilled at
18 the Pharmacy. Respondent incorrectly refilled the prescription with Crestor® 10 mg and
19 failed to catch the error at verification. The patient did not take any of the incorrect
20 medication.
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22

23 ...
24 ...
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1 DATED this 10th day of September, 2009.

RECEIVED
AUG 18 2009
ARIZONA STATE
BOARD OF PHARMACY

3 ARIZONA STATE BOARD OF PHARMACY

4 (Seal)

5 By: 
6 HAL WAND, R.Ph.
7 Executive Director

9 ORIGINAL OF THE FORGOING FILED
10 this 10 day of Sept., 2009, with:

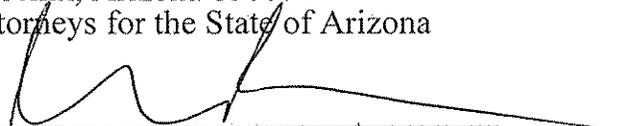
11 Arizona State Board of Pharmacy
12 1700 West Washington, Suite 250
13 Phoenix, Arizona 85007

14 EXECUTED COPY OF THE FOREGOING MAILED
15 BY CERTIFIED MAIL
16 this 10 day of Sept., 2009, to:

17 John Whitehead
18 26307 W. Runion Lane
19 Buckeye, Arizona 85396
20 Respondent

21 EXECUTED COPY OF THE FOREGOING MAILED
22 this 10 day of Sept., 2009, to:

23 Elizabeth A. Campbell
24 Assistant Attorney General
25 1275 W. Washington Street, CIV/LES
26 Phoenix, Arizona 85007
Attorneys for the State of Arizona


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PAID
\$500.00
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