

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) 542-7681
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 **NATALEE BROWN**

12 Holder of License No. S012798
For the Practice of Pharmacy
13 In the State of Arizona

Board Case No. 10-0053-PHR

**CONSENT AGREEMENT
AND ORDER FOR SUSPENSION
AND PROBATION**

14
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”) under A.R.S. § 32-1901, *et. seq.*, Natalee Brown (“Respondent”),
18 holder of Pharmacist License Number S012798 in the State of Arizona, and the Board
19 enter into the following Recitals, Findings of Fact, Conclusions of Law and Order
20 (“Consent Agreement”) as a final disposition of this matter.

21 **RECITALS**

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.
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1 2. Respondent understands that she has a right to a public administrative
2 hearing concerning the above-captioned matter, at which hearing she 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 her.

11 5. Respondent understands this Consent Agreement deals with Board
12 Complaint No. 3773 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, she may not
25 revoke her acceptance of the Consent Agreement or make any modifications to the
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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. This Consent Agreement is effective only when accepted by the Board and
5 signed by the 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 that this Consent Agreement is a public record that
10 may be publicly disseminated as a formal action of the Board and may be reported as
11 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
12 Protection Data Bank.

13 12. Respondent understands that any violation of this Consent Agreement
14 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
15 1901.01(B)(20), -1927(A)(1).

16 13. Respondent agrees that the Board will adopt the following Findings of Fact,
17 Conclusions of Law and Order.

18 ACCEPTED AND AGREED BY RESPONDENT

19 Natalee Brown
20 Natalee Brown

Dated: 4-1-2010

21 Subscribed and sworn to before me in the County of Maricopa, State of Arizona,
22 this 01 day of April, 2010, by Natalee Brown.

23 Tiffany Poetsch
24 NOTARY PUBLIC



25 My Commission expires: 01-09-2011

1 FINDINGS OF FACT

2 1. During all relevant times to these findings, Respondent worked as a
3 pharmacist at Express Scripts (the "Pharmacy") in Tempe, Arizona.

4 2. On August 12, 2009, Respondent was working at the Pharmacy. Pharmacy
5 personnel detected an odor of alcohol coming from Respondent. Respondent was
6 impaired while working in the Pharmacy.

7 3. Pharmacy staff observed pills and an open bottle of alcohol in
8 Respondent's car.

9 CONCLUSIONS OF LAW

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

12 2. Pursuant to A.R.S. § 32-1927(A)(1), the Board may discipline a pharmacist
13 who has engaged in unprofessional conduct.

14 3. Respondent's practice and conduct, as described in the Findings of Fact,
15 constitutes unprofessional conduct pursuant to A.R.S. § 32-1901.01(B)(9) (Working
16 under the influence of alcohol or other drugs).

17 ORDER

18 Based upon the above Findings of Fact and Conclusions of Law, the Board issues
19 the following Order:

20 1. Respondent's Pharmacist License No. S012798, which was issued to
21 Respondent for the practice of pharmacy in the State of Arizona, is hereby
22 **SUSPENDED**, subject to the following terms and conditions:

23 A. Respondent's license is suspended for at least six (6) months from
24 the effective date of this consent agreement. The period of suspension shall be
25 determined by the Board after reviewing (i) information from Pharmacists
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1 Assisting Pharmacists of Arizona (“PAPA”) regarding Respondent’s compliance
2 with the terms of the PAPA program/contract; (ii) a progress
3 report/recommendation from Respondent’s PAPA counselor, which may be
4 submitted in writing to the Board; and (iii) any input from Respondent.

5 B. No sooner than six (6) months from the effective date of this consent
6 agreement, Respondent may request in writing that the Board terminate the
7 suspension. Respondent’s request to terminate suspension will be considered at a
8 regularly scheduled Board meeting. Respondent is required to personally appear
9 at that Board meeting.

10 C. Respondent shall, within ten (10) days of the effective date of this
11 Order, return her pharmacist license to the Board office for the period of
12 suspension.

13 D. Respondent shall, within ten (10) days of the effective date of this
14 Order, contact the Administrative Coordinator of PAPA.¹ Based solely upon the
15 Administrative Coordinator’s determination, Respondent shall be required to
16 immediately (within 10 days) (1) enter and successfully complete an in-patient
17 treatment program approved by PAPA; or (2) submit to further evaluation by a
18 PAPA-approved evaluator. If referred for further evaluation, Respondent shall
19 promptly comply with all treatment recommendations made by the evaluator.

20 E. When directed by the PAPA Administrative Coordinator,
21 Respondent shall sign a contract with PAPA which shall extend for the remaining
22 term of her suspension and the entire probation under this Consent Agreement.
23 Failure to sign the PAPA contract as directed, to abide by the PAPA contract’s
24 terms, or to participate in the PAPA program is a violation of this Order.

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¹ The Administrative Coordinator of PAPA can be contacted at (928) 532-2293.

1 2. Upon termination of the period of suspension by the Board, Respondent's
2 reinstated license shall immediately be placed on **PROBATION**. Respondent's
3 probation is subject to the following conditions:

4 A. No sooner than five (5) years from the beginning of Respondent's
5 probationary period, Respondent shall request in writing that the Board terminate
6 her probation. Respondent's request for termination will be considered at a
7 regularly scheduled Board meeting. Respondent is required to personally appear
8 at that Board meeting. Respondent's probationary period will continue until
9 Respondent's request for termination is received and the Board terminates the
10 probation.

11 B. Respondent shall continue to comply with the terms of her PAPA
12 contract.

13 C. Respondent shall furnish all pharmacy employers with a copy of this
14 Consent Agreement. Respondent shall ensure that all pharmacy employers submit
15 to the Board a written acknowledgement that they have received a copy of this
16 Consent Agreement within ten (10) days of entering into an employment
17 relationship with Respondent.

18 D. Respondent shall not serve as a preceptor pharmacist or pharmacist
19 in charge.

20 E. Respondent shall advise the Board within ten (10) days of any
21 change in pharmacy employment status.

22 3. Within five (5) years from the execution date of this Consent Agreement,
23 Respondent shall complete 400 hours of community service approved by Board staff.
24 Respondent shall ensure that all entities to which she provides community service verify
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1 in writing to the Board the number of hours completed within 30 days of Respondent
2 completing the community service.

3 4. Respondent shall pay all necessary fees and complete all continuing
4 education requirements throughout the term of her suspension and probation.

5 5. Throughout the term of Respondent's suspension and probation,
6 Respondent shall personally appear before the Board when requested to do so by the
7 Board or Board staff.

8 6. Respondent shall furnish the Board with a list of all jurisdictions in which
9 she maintains or has maintained licensure in the profession of pharmacy along with the
10 registration numbers of said licenses.

11 7. Respondent shall obey all federal and state laws and rules governing the
12 practice of pharmacy.

13 8. Respondent shall execute all appropriate release of information forms to
14 permit the Respondent's treatment professionals and PAPA to communicate with the
15 Board regarding Respondent's treatment.

16 9. Respondent shall pay all costs associated with complying with this Consent
17 Agreement, including all expenses associated with PAPA.

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

23 ...

24 ...

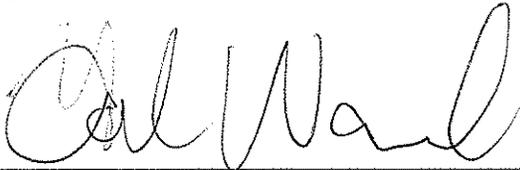
25 ...

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1 DATED this 1st day of APRIL, 2010.

3 ARIZONA STATE BOARD OF PHARMACY

4 (Seal)

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

8 ORIGINAL OF THE FORGOING FILED
9 this 1 day of April, 2010, with:

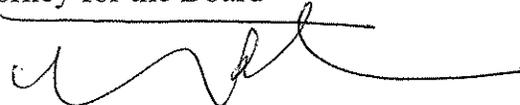
10 Arizona State Board of Pharmacy
11 1700 West Washington, Suite 250
12 Phoenix, Arizona 85007

13 EXECUTED COPY OF THE FOREGOING MAILED
14 BY FIRST-CLASS and CERTIFIED MAIL
15 this 1 day of April, 2010, to:

16 Natalee Brown
17 28150 N. Alma School Parkway, Suite 103, PMB 477
18 Scottsdale, Arizona 85262

19 EXECUTED COPY OF THE FOREGOING MAILED
20 this 1 day of April, 2010, to:

21 Elizabeth A. Campbell
22 Assistant Attorney General
23 1275 W. Washington Street, CIV/LES
24 Phoenix, Arizona 85007
25 Attorney for the Board

26 
751127(BPA)