

1 THOMAS C. HORNE  
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  
Attorneys for the Arizona State Board of Pharmacy  
7

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

9 In the Matter of the Application

10  
11 **MOHAMED ABOU-ZAHRA,**

12 For Reinstatement as a Pharmacist in the  
13 State of Arizona

Board Case No. 11-0050-PHR

**CONSENT AGREEMENT and  
ORDER FOR LICENSURE with  
PROBATION**

14 **CONSENT AGREEMENT**

15 As Mohamed Abou-Zahra (“Applicant”) has made application to the Arizona State  
16 Board of Pharmacy (the “Board”) for licensure as a pharmacist by reciprocity and,  
17 consistent with the public interest, statutory requirements and the responsibilities of the  
18 Arizona Board under A.R.S. § 32-1901, *et. seq.*, the Board and Applicant enter into the  
19 following Recitals, Findings of Fact, Conclusions of Law and Order (“Consent  
20 Agreement”) for licensure with probation.

21 **RECITALS**

22 1. Applicant 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.     In the event the Board were to deny his request for reinstatement, Applicant  
2 understands that he has a right to a public administrative hearing concerning this matter,  
3 at which hearing he could present evidence and cross examine witnesses. By entering  
4 into this Consent Agreement, Applicant knowingly and voluntarily relinquishes all right  
5 to an administrative hearing, as well as all rights of rehearing, review, reconsideration,  
6 appeal, judicial review or any other administrative and/or judicial action, concerning the  
7 matters set forth herein.

8           3.     Applicant affirmatively agrees that this Consent Agreement shall be  
9 irrevocable.

10          4.     Applicant understands that this Consent Agreement or any part of this  
11 agreement may be considered in any future disciplinary action by the Board against him.  
12 Applicant further understands that this Consent Agreement does not constitute any  
13 waiver, express or implied, of the Board's statutory authority or jurisdiction regarding  
14 any future investigation, action or proceeding.

15          5.     Applicant acknowledges and agrees that, upon signing this Consent  
16 Agreement and returning this document to the Board's Executive Director, he may not  
17 revoke his acceptance of the Consent Agreement or make any modifications to the  
18 document regardless of whether the Consent Agreement has been signed by the  
19 Executive Director. Any modification to this original document is ineffective and void  
20 unless mutually agreed by Applicant and the Board in writing.

21          6.     This Consent Agreement is subject to the approval of the Board and is  
22 effective only when accepted by the Board and signed by the Executive Director. In the  
23 event that the Board does not approve this Consent Agreement, it is withdrawn and shall  
24 be of no evidentiary value and shall not be relied upon nor introduced in any action by  
25 any party, except that the parties agree that should the Board reject this Consent  
26

1 Agreement and this matter proceeds to hearing, Applicant shall assert no claim that the  
2 Board was prejudiced by its review and discussion of this document or any records  
3 relating thereto.

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

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

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

14 10. Applicant agrees that the Board will adopt the following Findings of Fact,  
15 Conclusions of Law and Order.

16 ACCEPTED AND AGREED BY MOHAMED ABOU-ZAHRA

17  
18   
19 Mohamed Abou-Zahra

Dated: 7/5/11

20 Subscribed and sworn to before me in the County of Maricopa, State of Arizona  
21 this 5 day of July, 2011, by Mohamed Abou-Zahra.

22  
23   
NOTARY PUBLIC

24 My Commission expires: 5-20-15



1 ...

2 **FINDINGS OF FACT**

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

5 2. Applicant was the holder of license number S012756 to practice as a  
6 pharmacist in the State of Arizona.

7 3. Pursuant to the Findings of Fact, Conclusions of Law and Order in  
8 Board Case Number 07-0034-PHR, Applicant's license was revoked in 2007.

9 4. As part of his request for reinstatement, Applicant disclosed the  
10 following driving under the influence convictions:

- 11 • A February 19, 2004, misdemeanor driving under the  
12 influence conviction in Scottsdale Municipal Court Case No.  
13 M-0751-TR-200310682;
- 14 • An October 27, 2004, misdemeanor driving under the  
15 influence conviction in Scottsdale Municipal Court Case No.  
16 M-0751-TR-200420653; and
- 17 • March 22, 2010, convictions for 2 counts of aggravated  
18 driving under the influence (both class 4 felonies) and 2  
19 counts of aggravated driving under the influence with driver's  
20 license restriction (both class 4 felonies) in Yavapai County  
21 Superior Court Case No. P-1300-CR-20070575.

22 5. At the Board's March 2011 Board Meeting, Applicant requested that  
23 the Board reinstate his license. The Board requested that Applicant obtain a substance  
24 abuse evaluation.

25  
26



1 probation. Applicant's request for termination will be considered at the Board's  
2 next regularly scheduled Board meeting. Applicant is required to personally  
3 appear at that Board meeting. Applicant's probationary period will continue until  
4 Applicant's request for termination is received and the Board terminates the  
5 probation.

6 **B. Within 10 days of the effective date of this Consent Agreement,**  
7 **Applicant shall have signed a contract with PAPA which shall extend for the**  
8 **entire term of the probation under this Consent Agreement.** Applicant shall  
9 abide by each and every requirement of the PAPA contract. Failure to participate  
10 in the PAPA program, to successfully complete the PAPA program, or to abide by  
11 the PAPA contract's terms is a violation of this Order. Applicant shall not be  
12 required to complete an in-patient treatment program prior to signing the PAPA  
13 contract and beginning the PAPA program.

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

19 **D.** Applicant shall not serve as a preceptor pharmacist or pharmacist in  
20 charge.

21 **E.** APPLICANT shall advise the Board in writing within ten (10) days  
22 of any change in pharmacy employment status.

23 **F.** During the probationary period, Applicant shall complete 400 hours  
24 of community service approved by Board staff. Applicant shall ensure that all  
25  
26

1 entities to which he provides community service verify in writing to the Board the  
2 number of hours completed within 30 days of completing the community service.

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

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

7 5. Applicant shall furnish the Board with a list of all jurisdictions in which he  
8 maintains or has maintained licensure in the profession of pharmacy along with the  
9 registration numbers of said licenses.

10 6. Applicant shall obey all federal and state laws and rules governing the  
11 practice of pharmacy.

12 7. Applicant shall execute all appropriate release of information forms to  
13 permit the Applicant's treatment professionals and PAPA to communicate with the Board  
14 and forward information regarding Applicant's treatment directly to the Board.

15 8. Applicant shall pay all costs associated with complying with this Consent  
16 Agreement, including all expenses associated with PAPA.

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

22 DATED this \_\_\_\_ day of \_\_\_\_\_, 2011.

23  
24 ARIZONA STATE BOARD OF PHARMACY

25 (Seal)

1  
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

By:   
HAL WAND, R.Ph.  
Executive Director

ORIGINAL OF THE FORGOING FILED  
this 8<sup>th</sup> day of JULY, 2011, with:

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

EXECUTED COPY OF THE FOREGOING MAILED  
BY FIRST-CLASS and CERTIFIED MAIL  
this 8 day of July, 2011, to:

Mohamed Abou-Zahra  
1676 E. Bartlett Place  
Chandler, Arizona 85249  
Applicant

EXECUTED COPY OF THE FOREGOING MAILED  
this 8 day of July, 2011, to:

Larry J. Cohen, Esq.  
The Cohen Law Firm  
P.O. Box 10056  
Phoenix, Arizona 85064  
Attorney for Applicant

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

1865376