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7 Attorneys for the Arizona State Board of Pharmacy

8

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

10

11 In the Matter of

Board Case No. 12-0023-PHR

12 **RAYBURN MOORE,**

**CONSENT AGREEMENT
FOR CONTINUING EDUCATION**

13 Holder of License No. S005680
As a Pharmacist
14 In the State of Arizona

15

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.*, Rayburn Moore
19 ("Respondent"), holder of Pharmacist License Number S005680 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

RECITALS

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

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1 2. Respondent understands that he has a right to a public administrative
2 hearing concerning this matter at which hearing he could present evidence and cross
3 examine witnesses. By entering into this Consent Agreement, Respondent knowingly
4 and voluntarily relinquishes all right to such an administrative hearing, as well as rights
5 of rehearing, review, reconsideration, appeal, judicial review or any other administrative
6 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. 4038 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. This Consent Agreement is subject to the approval of the Board and is
5 effective only when accepted by the Board and signed by the Executive Director. In the
6 event that the Board does not approve this Consent Agreement, it is withdrawn and shall
7 be of no evidentiary value and shall not be relied upon nor introduced in any action by
8 any party, except that the parties agree that should the Board reject this Consent
9 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the
10 Board was prejudiced by its review and discussion of this document or any records
11 relating thereto.

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

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

19 12. Respondent understands that any violation of this Consent Agreement
20 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
21 1901.01(B) (20), -1927(A) (1).

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

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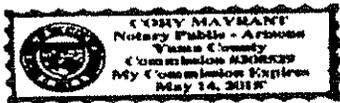
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1 **ACCEPTED AND AGREED BY RESPONDENT**

2 Rayburn Moore Dated: 4/11/12
3 Rayburn Moore

4 Subscribed and sworn to before me in the County of Yuma, State of
5 ARIZONA, this 11th day of April, 2012, by Rayburn Moore.



6 [Signature]
7 NOTARY PUBLIC

8 My Commission expires: 5-14-15
9

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 S005680 to practice as a
14 pharmacist in the State of Arizona.
- 15 3. During all relevant times to these findings, Respondent worked a
16 pharmacist at Walgreen's Pharmacy #2209 (the "Pharmacy") located at 11420 S. Fortuna
17 in Yuma, Arizona.
- 18 4. On or about January 10, 2012, patient C. R. had a prescription for
19 Metronidazole 250 mg. correctly filled with Metronidazole 250 mg. , however, an
20 incorrect label was attached to the prescription containing the name of a different patient.
21 The prescription was dispensed to patient C.R. who discovered the error and brought it to
22 the attention of Respondent.
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1 **ACCEPTED AND AGREED BY RESPONDENT**

2 Dated: _____

3 Rayburn Moore

4 Subscribed and sworn to before me in the County of _____, State of
5 _____, this _____ day of _____, 2012, by Rayburn Moore.

6
7 _____
8 **NOTARY PUBLIC**

9 My Commission expires: _____

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.

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20 incorrect label was attached to the prescription containing the name of a different patient.
21 The prescription was dispensed to patient C.R. who discovered the error and brought it to
22 the attention of Respondent.
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1 completed within **90 days** of the effective date of this Order, must be pre-approved by
2 Board staff, and shall be in addition to the requirements of A.R.S. § 32-1936 and A.A.C.
3 R4-23-204.

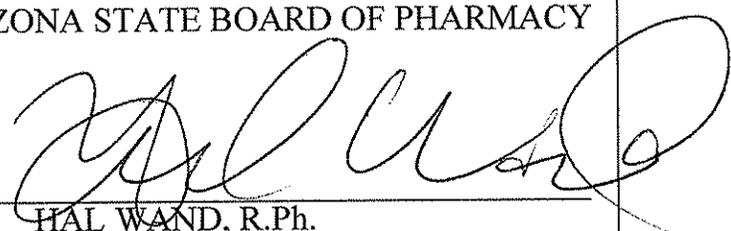
4 2. Respondent shall pay all costs associated with complying with this Consent
5 Agreement.

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

11 DATED this 28 day of June, 2012.

12 ARIZONA STATE BOARD OF PHARMACY

13 (Seal)

14 By: 

15 HAL WAND, R.Ph.
16 Executive Director

17 ORIGINAL OF THE FOREGOING FILED
18 this 28 day of June, 2012 with:

19 Arizona State Board of Pharmacy
1616 W. Adams St.
Phoenix, Arizona 85007

20 EXECUTED COPY OF THE FOREGOING MAILED
21 BY CERTIFIED MAIL
22 this 28 day of June, 2012 to:

23 Rayburn Moore
14441 S. Ave 4 E
Yuma, Arizona 85363

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EXECUTED COPY OF THE FOREGOING MAILED
this 28 day of June, 2012 to:

Montgomery Lee
Assistant Attorney General
1275 W. Washington Street, CIV/LES
Phoenix, Arizona 85007
Attorney for the Board

#2634273