

1 ARIZONA STATE BOARD OF PHARMACY
2 1616 W. Adams Street, Room 120
3 Phoenix, Arizona 85007
4 (602) 771-2727

5 In the Matter of:

6 FAHAD ALNOAH
7 Holder of Pharmacist License No.
8 S015734 in the State of Arizona

FINDINGS OF FACT, CONCLUSIONS
of LAW and BOARD ORDER
No. 12-0025-PHR

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10 Pursuant to Notice of Hearing Number 12-0025-PHR (Notice) this matter came before
11 the Arizona State Board of Pharmacy (Board) on September 20, 2012.

12 Dan Milovich, president, presided with members Jim Foy, William Francis, Kyra
13 Locnikar, Dennis McAllister, Reuben Minkus, John Musil, and Tom Van Hassell in
14 attendance.
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16 The State was represented by the Office of the Attorney General, Monty Lee, Assistant
17 Attorney General, Licensing and Enforcement Section. Christopher Munns, of the Solicitor
18 General's Section of the Attorney General's Office was present to provide independent legal
19 advice to the Board. Respondent was present and was not represented by an attorney. The
20 Board, after considering the testimony and evidence presented, hereby issues the following
21 Findings of Fact, Conclusions of Law, and Order.
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24 **FINDINGS OF FACT**

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26 1. At all times relevant to these findings, Respondent worked as a pharmacist at
27 Walgreens Pharmacy #09742 ("Pharmacy") in Yuma, Arizona.
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1 5. The conduct described above constitutes a violation of A.R.S. § 36-2531(E) (A
2 person shall not provide a false prescription for a controlled substance or knowingly or
3 intentionally acquire or obtain possession of a controlled substance by means of forgery, fraud,
4 deception or subterfuge, including the forgery or falsification of a prescription or the
5 nondisclosure of a material fact.) A person who violates A.R.S. § 36-2531(E) is guilty of a
6 class 4 felony. A.R.S. § 36-2531(E).
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9 6. The conduct described above constitutes a violation of A.R.S. § 36-2531(A)(1)
10 (It is unlawful for any person who is subject to A.R.S. § 36-2521 et seq. to intentionally or
11 knowingly distribute or dispense a controlled substance in violation of section 36-2525). A
12 person who violates A.R.S. § 36-2531(A)(1) is guilty of a class 4 felony. A.R.S. § 36-
13 2531(B).
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16 7. Respondent's conduct described above constitutes a violation of A.R.S. § 32-
17 1968(A) ("A prescription-only drug shall be dispensed only under one of the following
18 conditions: (1) By a medical practitioner in conformance with A.R.S. § 32-1921; (2) On a
19 written prescription order bearing the prescribing medical practitioner's manual signature; (3)
20 On an electronically transmitted prescription order containing the prescribing medical
21 practitioner's electronic or digital signature that is reduced promptly to writing and filed by the
22 pharmacist; (4) On a written prescription order generated from electronic media containing the
23 prescribing medical practitioner's electronic or manual signature. A prescription order that
24 contains only an electronic signature must be applied to paper that uses security features that
25 will ensure the prescription order is not subject to any form of copying or alteration; (5) On an
26 oral prescription order that is reduced promptly to writing and filed by the pharmacist; (6) By
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1 refilling any written, electronically transmitted or oral prescription order if a refill is
2 authorized by the prescriber either in the original prescription order, by an electronically
3 transmitted refill order that is documented promptly and filed by the pharmacist or by an oral
4 refill order that is documented promptly and filed by the pharmacist.”)

6 8. Respondent’s conduct described above constitutes a violation of A.R.S. § 32-
7 1965(8) (Making or offering to make a forged, counterfeit, altered or photocopied prescription
8 or drug order for the purpose of obtaining prescription-only or controlled substance drugs).

10 9. The conduct described above constitutes unprofessional conduct pursuant to
11 A.R.S. § 32-1901.01(B)(2) (Violating a federal or state law or administrative rule relating to
12 the manufacture or distribution of drugs or devices).

14 10. The conduct described above constitutes unprofessional conduct pursuant to
15 A.R.S. § 32-1901.01(B)(8) (Committing a felony, whether or not involving moral turpitude, or
16 a misdemeanor involving moral turpitude or any drug- related offense. In either case,
17 conviction by a court of competent jurisdiction or a plea of no contest is conclusive evidence
18 of the commission).

20 11. The conduct described above constitutes unprofessional conduct pursuant to
21 A.R.S. § 32-1901.01(B)(10) (Violating a federal or state law or administrative rule relating to
22 marijuana, prescription-only drugs, narcotics, dangerous drugs, controlled substances or
23 precursor chemicals when determined by the board or by conviction in a federal or state court).

26 **ORDER**

28 In view of the above Findings of Fact and Conclusions of Law, the Board issues the
29 following Order:

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4 The pharmacist license issued to Fahad Alnoah is hereby placed on PROBATION for a
5 period of two years from the effective date of this Order. The PROBATION is subject to the
6 following conditions:

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8 1. Respondent shall pay a fine of \$2000.00 within 90 days of the effective date of
9 this Order for two prescriptions that Respondent dispensed (\$1000.00 each) without valid
10 prescriptions in November, 2011.

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12 2. Respondent shall take and pass the Arizona MPJE exam within 90 days of the
13 effective date of this Order.

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15 3. Respondent shall successfully complete the following continuing education
16 courses approved by the Board staff within 90 days of the effective date of this Order:

17 a.) 16 hours (1.6 CEU's) on the topic of Medical Ethics

18 b.) 8 hours (0.8 CEU's) on the topic of migraines and/or pain management

19 c.) 4 hours (0.4 CEU's) on the topic of treatment of urinary tract infections

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21 4. Respondent shall not serve as Pharmacist in Charge (PIC) throughout the term of
22 PROBATION.

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24 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

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26 Respondent is hereby notified of the right to petition for a rehearing or review by filing
27 a petition with the Board's Executive Director within thirty (30) days after service of this
28 Order. A.R.S. § 41-1092.09. The petition must set forth legally sufficient reasons for granting
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1 a rehearing. A.C.C. R4-23-128. Service of this order is effective five (5) days after date of
2 mailing. If a motion for rehearing is not filed, the Board's Order becomes effective thirty-five
3 (35) days after it is mailed to Respondent.
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5 Respondent is further notified that the filing of a motion for rehearing is required to
6 preserve any rights of appeal to the Superior Court.
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8 DATED this 21st day of September, 2012.
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10 **ARIZONA STATE BOARD OF PHARMACY**
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14 SEAL



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17 Hal Wand, R.Ph.
18 Executive Director
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3 ORIGINAL OF THE FOREGOING FILED

4 this 27 day of Sept., 2012 with:

5 Arizona State Board of Pharmacy
6 1616 W. Adams Street
7 Phoenix, Arizona 85007

8 COPY OF THE FOREGOING MAILED
9 BY CERTIFIED & REGULAR FIRST-CLASS MAIL

10 this 27 day of Sept., 2012 to:

11 Fahad Alnoah
12 2231 S. Elks Lane, #74
13 Yuma, Arizona 85364
14 Respondent

15 COPY OF THE FOREGOING MAILED
16 this 27 day of Sept., 2012 to:

17 Christopher Munns
18 Assistant Attorney General
19 1275 W. Washington Street, CIV/SGO
20 Phoenix, Arizona 85007
21 Attorney for the Board

22 Montgomery Lee
23 Assistant Attorney General
24 1275 W. Washington Street, CIV/LES
25 Phoenix, Arizona 85007
26 Attorney for the State
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