

FILE:H
89-13-OR1

BEFORE THE ARIZONA STATE BOARD OF PHARMACY

1 In the Matter of the Hearing to)
2 Determine Whether or Not to Revoke,) FINDINGS OF FACT
3 Suspend, or Place on Probation the) CONCLUSIONS OF LAW
4 Certificate of Registration Number) AND BOARD ORDER
8319 censure or fine KIRK-FREDERICK)
DIETZ.) NO. 89 - 13 - H

5 DIRECTED TO: KIRK-FREDERICK DIETZ
6 2959 North 68th Place # 215
Scottsdale, AZ 85251

7 This matter came before the Arizona State Board of Pharmacy for hearing on
8 the 29th day of November, 1989, pursuant to Complaint and Notice of Hearing
9 No. 89-13-H (hereinafter referred to as "Complaint"). Michael Noel, president,
10 presided, with J. Edward Saba, vice president and members Martha Barron, Daniel
11 Jacob, Linda Tansik and Kathryn L. Kalsman in attendance and participating
12 therein.

13 The State was represented by the office of the Attorney General, Timothy
14 Agan, Assistant Attorney General. KIRK-FREDERICK DIETZ was present and was not
15 represented by legal counsel.

16 The Board, after consideration of the evidence and testimony presented,
17 hereby makes the following Findings of Fact, Conclusions of Law and Order.

18 FINDINGS OF FACT

19 I

20 A. KIRK-FREDERICK DIETZ is the holder of Certificate Number 8319 issued by
21 the Board of Pharmacy pursuant to A.R.S. § 32-1922.

22 B. KIRK-FREDERICK DIETZ received proper Notice of Hearing 89-13-H and was
23 advised that he may appear upon the date specified in the Complaint with or
24 without the assistance of an attorney.

1 C. KIRK-FREDERICK DIETZ elected not to be represented by legal counsel.

2 D. Sufficient evidence was presented to sustain the Charges contained in
3 Section IV of the Complaint in that the Respondent KIRK-FREDERICK DIETZ had
4 not satisfied the Order issued by the Arizona State Board of Pharmacy in the
5 Matter of 86-3-H on the 11th day of March, 1987 in that KIRK-FREDERICK DIETZ
6 had failed to submit, to the Board, monthly reports stating the name of the
7 substance abuse rehabilitation program or after care program and the contact
8 person monitoring the Respondent's progress.

9 E. Further, KIRK-FREDERICK DIETZ had signed for receipt of mailing the
10 Finding of Fact, Conclusions of Law and Board Order issued the 11th day of
11 March, 1987 and that the Respondent's legal counsel had signed for receipt of
12 the Amended Finding of Fact, Conclusions of Law and Board Order issued on the
13 the 9th day of June, 1987. Certified mail addressed to the last known address
14 of the Respondent and containing the Amended Finding of Fact, Conclusions of
15 Law and Board Order had been returned by the post office as unclaimed.
16 Notice of legal counsel constitutes sufficient notice.

17 F. Finally, the Order Section of the Findings of Fact, Conclusions of Law
18 and Board Order issued the 11th day of March, 1987 and the Amended Findings of
19 Fact, Conclusions of Law and Board Order issued the 9th day of June, 1987 were
20 identical.

21 CONCLUSIONS OF LAW

22 II

23 The failure to comply by KIRK-FREDERICK DIETZ in the Order of 86-3-H does
24 constitute grounds for the Arizona State Board of Pharmacy to consider this
25 matter.
26

ORDER

III

1 Certificate Number 8319 is suspended for one (1) year effective the 29th day
2 of November, 1989 and continuing in effect through the 28th day of November,
3 1990 or until the following conditions have been satisfied:

4 A. Prior to reinstatement of Certificate Number 8319, KIRK-FREDERICK DIETZ
5 shall successfully complete the Arizona Jurisprudence Exam (AZPLEX) with a
6 score of 90% or better.

7 B. KIRK-FREDERICK DIETZ shall appear before the Board on or after the 27th
8 day of November, 1990 to show cause why Certificate Number 8319 should be
9 reinstated.

10 C. Certificate Number 8319 shall be placed on Probation for a period of
11 five (5) years from the date of reinstatement.

12 D. KIRK-FREDERICK DIETZ shall enroll in and shall satisfy all of the
13 requirements of the Pharmacists Assisting Pharmacists of Arizona program during
14 the time of Suspension and Probation.

15 E. KIRK FREDERICK-DIETZ shall not be employed in the capacity of Responsible
16 Pharmacist nor shall he be designated as a preceptor during the period of
17 Probation.

18 F. All fees and Continuing Education requirements are due during the term
19 of Suspension and Probation.

20 G. Respondent shall obey all federal and state laws and rules governing
21 the practice of Pharmacy.

22 H. Respondent shall bear responsibility for the release of information forms
23 and reports as directed by the Order.

24 I. Respondent shall bear all costs for testing, rehabilitation and aftercare
25 programs and reports to be filed.

1 J. If Respondent violates this Order in any way or fails to fullfill the
2 requirements of this Order, the Board, after giving Respondent notice and the
3 opportunity to be heard, may revoke, suspend or take other disciplinary action
4 against the Respondent.

5 K. Respondent shall "hold harmless" the Provider of any required reports
6 to the Board of Pharmacy.

7 KIRK FREDERICK DIETZ is hereby notified he has the right to petition this
8 Board for a rehearing within ten (10) days after receipt of this Order pursuant
9 to the provisions of Administrative Rule R4-23-109.

10 DATED this 5th day of December, 1989.

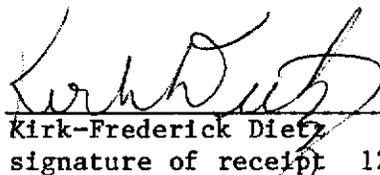
11 ARIZONA STATE BOARD OF PHARMACY

12
13 SEAL

14 By 
15 Llyn A. Lloyd
16 Executive Director

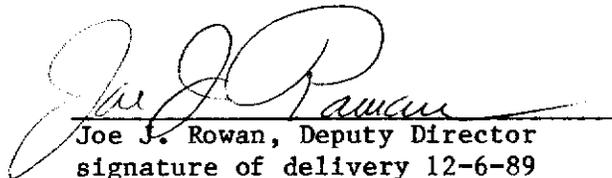
17 Copies of the foregoing
18 Findings of Fact, Conclusions
19 of Law and Board Order
20 delivered in person at the
21 Board of Pharmacy Office
22 on the 6th day of December, 1989
23 to:

21 KIRK-FREDERICK DIETZ
22 2959 North 68th Place
23 Scottsdale, AZ 85251


Kirk-Frederick Dietz
signature of receipt 12-6-89

23 and by courier mail to:

24 Timothy J. Agan
25 Assistant Attorney General
26 1275 W. Washington
Phoenix, AZ 85007
Attorney for the State


Joe J. Rowan, Deputy Director
signature of delivery 12-6-89