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7 Attorneys for the Arizona State Board of Pharmacy

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

9
10 In the Matter of
11 **DOUGLAS McDOWELL,**
12 Holder of License No. 6268
As a Pharmacist
13 In the State of Arizona

Board Case No. 09-0014-PHR
**CONSENT AGREEMENT
FOR SURRENDER**

14
15 **RECITALS**

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.*, Douglas McDowell
19 ("Respondent"), holder of Pharmacist License Number 6268 in the State of Arizona, and
20 the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and
21 Order ("Consent Agreement") as a final disposition of this matter.

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 he has a right to a public administrative
2 hearing concerning the above-captioned matter, at which hearing he 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 him.

11 5. Respondent understands this Consent Agreement deals with Board
12 Complaint No. 3585 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. Respondent understands that the Consent Agreement shall not become
5 effective unless and until adopted by the Board and signed by its 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 and agrees that if the Board does not adopt this
10 Consent Agreement, he will not assert as a defense that the Board's consideration of this
11 Consent Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

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

16 13. Respondent understands that any violation of this Consent Agreement
17 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
18 1901.01(B)(20), -1927(A)(1).

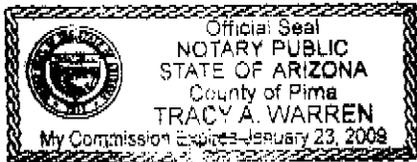
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1 ACCEPTED AND AGREED BY RESPONDENT

2
3 Douglas M McDowell
4 Douglas McDowell

Dated: 10-6-08

5 Subscribed and sworn to before me in the County of Pima, State of ARIZONA
6 this 6th day of OCTOBER, 2008, by Douglas McDowell.



9
10 Tracy Warren
11 NOTARY PUBLIC

12 My Commission expires: JANUARY 23, 2009

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14 **FINDINGS OF FACT**

- 15
- 16 1. The Board is the duly constituted authority for licensing and regulating the
17 practice of pharmacy in the State of Arizona.
 - 18 2. Respondent is the holder of license number 6268 to practice as a pharmacist
19 in the State of Arizona.
 - 20 3. On December 30, 2003, Respondent signed a Consent Agreement and
21 Order for Suspension and Probation in Board Investigation Case No. 03-0019-PHR (the
22 "03-0019-PHR Consent Agreement"). The 03-0019-PHR Consent agreement became
23 effective on January 20, 2004.
 - 24 4. Among other things, the 03-0019-PHR Consent Agreement required that
25 Respondent initiate a five (5) year contract with Pharmacists Assisting Pharmacists of
26 Arizona ("PAPA") and abide by every requirement of that contract. 03-0019-PHR
Consent Agreement at 5, ¶ 16.
 5. Respondent signed a PAPA contract on December 12, 2003.

1 ORIGINAL OF THE FORGOING FILED
this 17 day of Novem., 2008, with:

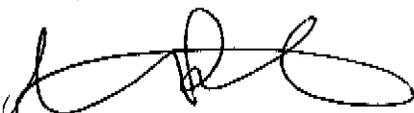
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3 Arizona State Board of Pharmacy
1700 West Washington, Suite 250
Phoenix, Arizona 85007

4 EXECUTED COPY OF THE FOREGOING MAILED
5 BY CERTIFIED MAIL
this 18 day of Novem., 2008, to:

6
7 Douglas McDowell
9750 E. Mary Drive
Tucson, Arizona 85730
8 Respondent

9 EXECUTED COPY OF THE FOREGOING MAILED
10 this 18 day of Novem., 2008, to:

11 Elizabeth A. Campbell
Assistant Attorney General
1275 W. Washington Street, CIV/LES
12 Phoenix, Arizona 85007

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14 #306387

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