THOMAS C. HORNE
Attorney General
(Firm State Bar No. 14000)

MONTGOMERY LEE
Assistant Attorney General
State Bar No. 005658
1275 W. Washington, CIV/LES
Phoenix, Arizona 85007-2997
Tel: (602) 542-7980
Fax: (602) 364-3202

Attorneys for the Arizona State Board of Pharmacy

BEFORE THE ARIZONA STATE BOARD OF PHARMACY

In the Matter of **John-Paul Houston,** Holder of License No. S018419 As a Pharmacist In the State of Arizona	Board Case No. 14-0012-PHR **CONSENT AGREEMENT AND ORDER FOR SUSPENSION AND PROBATION**

In the interest of a prompt and judicious settlement of this case, consistent with the public interest, statutory requirements and the responsibilities of the Arizona State Board of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, John-Paul Houston ("Respondent"), holder of Pharmacist License No. S018419 in the State of Arizona and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final disposition of this matter.

RECITALS

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

2. Respondent understands that he has a right to a public administrative hearing concerning this matter at which hearing he could present evidence and cross examine witnesses. By entering into this Consent Agreement, Respondent knowingly and voluntarily relinquishes all right to such an administrative hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial action, concerning the matters set forth herein.

3. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

4. Respondent understands that this Consent Agreement or any part of the agreement may be considered in any future disciplinary action by the Board against him.

5. Respondent understands this Consent Agreement deals with Board Complaint No. 4314 involving allegations of unprofessional conduct against Respondent. The investigation into these allegations against Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

6. Respondent understands that this Consent Agreement does not constitute a dismissal or resolution of any other matters currently pending before the Board, if any, and does not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any other pending or future investigation, action or proceeding.

7. Respondent also understands that acceptance of this Consent Agreement does not preclude any other agency, subdivision, or officer of this State from instituting any other civil or criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.

8. Respondent acknowledges and agrees that, upon signing this Consent Agreement and returning this document to the Board's Executive Director, he may not revoke his acceptance of the Consent Agreement or make any modifications to the

document regardless of whether the Consent Agreement has been signed by the Executive Director. Any modification to this original document is ineffective and void unless mutually agreed by the parties in writing.

9. This Consent Agreement is subject to the approval of the Board and is effective only when accepted by the Board and signed by the Executive Director. In the event that the Board does not approve this Consent Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any action by any party, except that the parties agree that should the Board reject this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that the Board was prejudiced by its review and discussion of this document or any records relating thereto.

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

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

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

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

. . .

. . .

. . .

ACCEPTED AND AGREED BY RESPONDENT

Dated: 5/12/14

John-Paul Houston

Subscribed and sworn to before me in the County of Maricopa, State of Arizona, this 12 day of May, 2014, by John-Paul Houston.

NOTARY PUBLIC

NOTARY PUBLIC
STATE OF ARIZONA
Maricopa County
ROBERT P CHRISTY
My Commission Expires February 22, 2018

My Commission expires: 02-22-2018

FINDINGS OF FACT

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

2. Respondent is the holder of license number S018419 to practice as a pharmacist in the State of Arizona.

3. During all relevant times to these findings, Respondent worked as a pharmacist at CVS Pharmacy #09270 (the "Pharmacy") located at 2033 W. Wickenburg Way, Wickenburg, Arizona.

4. On or about December 30, 2013 Board Staff received a report from a CVS Pharmacy Regulatory Compliance Analyst that Respondent was responsible for the loss or theft of 2,083 tablets of Hydrocodone, Oxycodone, Morphine, Amphetamine, Carisoprodol and Methylphenidate valued at approximately $1,673.00 which occurred earlier in 2013.

5. Respondent was terminated from his employment with the Pharmacy for violating Pharmacy policy regarding this conduct.

7. On or about December 4, 2013 Respondent signed an agreement to participate in a Pharmacists Assisting Pharmacists Program (PAPA) contract.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter and over Respondent pursuant to A.R.S. § 32-1901 *et seq*.

2. The Board may discipline a pharmacist who has engaged in unprofessional conduct. A.R.S. § 32-1927(A) (1).

3. The conduct and circumstances described above constitutes unprofessional conduct pursuant to A.R.S. § 32-1901.01(B) (11) and (13), A.R.S. § 32-1968 (A).

ORDER

Based upon the above Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED THAT Pharmacist License No. S018419, which was issued to Respondent for the practice of Pharmacy in the State of Arizona, is hereby placed on **SUSPENSION** for a period of not more than six (6) months retroactive to December 4, 2013. The period of suspension shall be determined by the Board after reviewing (a) information from PAPA regarding Respondent's compliance with the terms of the PAPA program/contract; (b) a progress report from Respondent's PAPA counselor, which may be submitted in writing to the Board; and (c) any input from Respondent. Thereafter, Respondent's license shall be placed on **PROBATION** for a period of at least four (4) years, but not more than four and one-half (4.5) years from the final date of suspension. Respondent's disciplinary period under the suspension and probation shall not exceed five (5) years, unless Respondent affirmatively fails to petition the Board to terminate the probation in accordance with paragraph 14 below.

The SUSPENSION and PROBATION are subject to the following conditions:

1. Respondent shall return his pharmacist license to the Board for the period of suspension.

2. Respondent signed a PAPA contract on or about December 4, 2013. Respondent's PAPA contract shall extend for the entire term of his suspension and probation under this Consent Agreement. Respondent shall abide by each and every requirement of the PAPA contract. Failure to participate in the PAPA program, complete the PAPA program or to abide by the PAPA contract's terms is a violation of this Order.

3. Within five (5) years from the execution date of this Consent Agreement, Respondent shall complete 400 hours of community service approved by Board staff. Respondent shall ensure that all entities to which he provides community service verify in writing to the Board the number of hours completed within 30 days of Respondent completing the community service.

4. Respondent shall pay all necessary fees and complete all Continuing Education requirements throughout the term of his probation to maintain Pharmacist License No. S018419.

5. Respondent shall furnish all pharmacy employers with a copy of this Board Order throughout the term of his probation. Respondent shall ensure that all pharmacy employers submit to the Board a written acknowledgement that they have received a copy of this Consent Agreement within ten (10) days of entering into an employment relationship with Respondent.

6. Respondent shall not serve as a preceptor pharmacist or pharmacist in charge throughout the term of his probation.

7. Respondent shall advise the Board immediately of any change in pharmacy employment status throughout the term of his probation.

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

9. Respondent shall obey all federal and state laws and rules governing the practice of pharmacy.

10. Throughout the term of Respondent's suspension and probation, Respondent shall personally appear before the Board when requested to do so by the Board or Board staff.

11. Respondent shall execute all appropriate release of information forms to permit the Respondent's treatment professionals and PAPA to communicate with the Board regarding Respondent's treatment.

12. Respondent shall pay all costs associated with complying with this Consent Agreement, including all expenses associated with PAPA.

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

14. Respondent shall appear before the Board at a regularly scheduled Board meeting five years after the effective date of this Order to request that the probation imposed by this order be terminated. Respondent's failure to petition the Board to terminate the probation shall extend the probation period

DATED this 7th day of July, 2014.

ARIZONA STATE BOARD OF PHARMACY

(Seal)

By: _____
HAL WAND, R.Ph.
Executive Director

ORIGINAL OF THE FORGOING FILED
this 07 day of July, 2014, with:

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

EXECUTED COPY OF THE FOREGOING MAILED
BY CERTIFIED MAIL
this 07 day of July, 2014, to:

John-Paul Houston
13331 W. Roman Court
Litchfield Park, Arizona 85340
Respondent

EXECUTED COPY OF THE FOREGOING MAILED
this 07 day of July, 2014, to:

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

_____

Doc # 3789753