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

10 In the Matter of

11 **Gregory Mowers,**

12 Holder of License No. S007608
As a Pharmacist
13 In the State of Arizona

Board Case No. 14-0014-PHR

**CONSENT AGREEMENT
AND ORDER FOR PROBATION**

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15 In the interest of a prompt and judicious settlement of this case, consistent with the
16 public interest, statutory requirements and the responsibilities of the Arizona State Board
17 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Gregory Mowers
18 ("Respondent"), holder of Pharmacist License No. S007608 in the State of Arizona and
19 the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and
20 Order ("Consent Agreement") as a final disposition of this matter.

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RECITALS

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 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. 4267 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
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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) and A.R.S. § - 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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1 ACCEPTED AND AGREED BY RESPONDENT

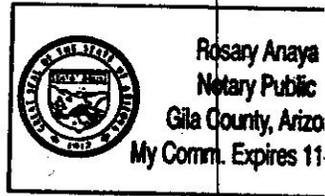
2 Gregory Mowers

Dated: 8/1/14

3
4 Gregory Mowers

5 Subscribed and sworn to before me in the County of Gila, State of Arizona,
6 this 1 day of AUGUST, 2014, by Gregory Mowers.

7 Rosary Anaya
8 NOTARY PUBLIC



9 My Commission expires: 11/30/17

10
11 **FINDINGS OF FACT**

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

14 2. Respondent is the holder of license number S007608 to practice as a
15 pharmacist in the State of Arizona.

16 3. During all relevant times to these findings, Respondent worked as a
17 pharmacist at Bashas' United Drug #22 (the "Pharmacy") located at 10715 East Apache
18 Junction Trail, Apache Junction, Arizona.

19 4. On or about November 15, 2013 Respondent was interviewed by Pharmacy
20 personnel regarding the theft of \$2,209.27 worth of drugs from the Pharmacy and
21 admitted that he was responsible for the theft of 6 packages of Cymbalta 60 mg., 150
22 doses of Gabapentin 300 mg., 160 doses of Celebrex 200 mg., and 100 doses of
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1 2. Within five (5) years from December 2, 2013, Respondent shall complete
2 400 hours of community service approved by Board staff. Respondent shall ensure that
3 all entities to which he provides community service verify in writing to the Board the
4 number of hours completed within 30 days of Respondent completing the community
5 service.

6 3. Respondent shall pay all necessary fees and complete all Continuing
7 Education requirements throughout the term of his probation to maintain Pharmacist
8 License No. S007608.

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

14 5. Respondent shall not serve as a preceptor pharmacist or pharmacist in
15 charge throughout the term of his probation and shall not work in any pharmacy setting
16 as a pharmacist without another pharmacist licensed by the Board also on duty.

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

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

22 8. Respondent shall obey all federal and state laws and rules governing the
23 practice of pharmacy.

24 9. Throughout the term of his probation, Respondent shall personally appear
25 before the Board when requested to do so by the Board or Board staff.

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

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

6 12. 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 the Respondent's license. The issue at such a hearing will be limited solely to whether
10 this order has been violated.

11 13. Respondent shall appear before the Board at a regularly scheduled Board
12 meeting five years after December 2, 2013 to request that the probation imposed by this
13 order be terminated. Respondent's failure to petition the Board to terminate the probation
14 shall extend the probation period.

15 DATED this 27th day of August, 2014.

17 ARIZONA STATE BOARD OF PHARMACY

18 (Seal)

19 

20 By: _____

21 HAL WAND, R.Ph.
22 Executive Director

23 ORIGINAL OF THE FOREGOING FILED
24 this 28 day of August, 2014, with:

25 Arizona State Board of Pharmacy
26 1616 W. Adams Street
Phoenix, Arizona 85007

1 EXECUTED COPY OF THE FOREGOING MAILED
2 BY CERTIFIED MAIL

3 this 28 day of August, 2014, to:

4 Gregory Mowers
5 1247 S. 96th St., #218
6 Mesa, Arizona 85209
7 Respondent

8 EXECUTED COPY OF THE FOREGOING MAILED

9 this 28 day of August, 2014, to:

10 Montgomery Lee
11 Assistant Attorney General
12 1275 W. Washington Street, CIV/LES
13 Phoenix, Arizona 85007
14 Attorney for the Board

15 _____
16 
17 Doc # 3871191