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

9 In the Matter of

10 **STEVEN LEMAHIEU**

11 Holder of License No. 07505
12 For the Practice of Pharmacy
13 In the State of Arizona

Board Case No. 15-0019-PHR

**CONSENT AGREEMENT
AND ORDER FOR SURRENDER
OF LICENSE**

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.*, Steven LeMahieu
19 ("Respondent"), holder of Pharmacist License Number 07505 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. 4343 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, she will not assert as a defense that the Board's consideration of this
11 Consent Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

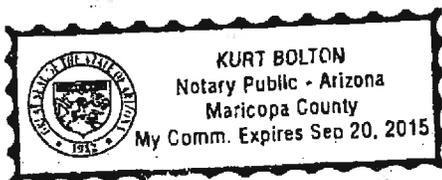
12 12. Respondent understands that this Consent Agreement is a public record that
13 may be publicly disseminated as a formal action of the Board and may be reported as
14 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
15 Protection Data Bank.

16 ACCEPTED AND AGREED BY RESPONDENT

17 
18 Steven LeMahieu

Dated: 4-20-15

19
20 Subscribed and sworn to before me in the County of Maricopa, State of Arizona,
this 20 day of April, 2015, by Steven LeMahieu.




NOTARY PUBLIC

My Commission expires: 09-20-2015

FINDINGS OF FACT

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

4 2. Respondent is the holder of license number 07505 to practice as a
5 pharmacist in the State of Arizona.

6 3. From January 1, 2012 to August 5, 2014 Respondent was employed as a
7 pharmacist at Fry's Pharmacy #24 ("Pharmacy") located at 4949 W. Ray Road,
8 Chandler, Arizona.

9 4. On July 29, 2014 the Pharmacy reported to the Pharmacy Board the
10 unexplained loss of 1033 tablets of Zolpidem 10 mg and 30 tablets of Zolpidem 5 mg
11 occurring between May 1, 2014 and July 18, 2014 and because of this loss the Pharmacy
12 reported an open and active on-going investigation. The Pharmacy reported that when
13 interviewed on July 25, 2014 regarding its investigation Respondent admitted to
14 inappropriately taking 180 tablets of Zolpidem from one of his returned stock
15 prescriptions before completely filling the prescription or having another pharmacist fill
16 it. Respondent agrees he made a statement but denies he admitted to any theft and denies
17 that he inappropriately took any Zolpidem or other drug. Respondent reports he paid for
18 all prescriptions he received from Pharmacy.

19 5. On August 5, 2014 the Pharmacy reported to the Pharmacy Board that
20 Respondent had filled his own controlled substance prescriptions for Zolpidem 10 mg
21 and failed to monitor and control the controlled substance inventory. Respondent denied
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1 the allegations but admitted he was pharmacist in charge during most of the time between
2 inventories. Respondent was terminated from his employment at Fry's Pharmacy #24
3 due to this activity.

4 6. On August 5, 2014 Pharmacy Board staff reviewed information from the
5 Controlled Substances Prescription Monitoring Program and determined that for the
6 period from January 16, 2012 through July 19, 2014 (916 days, a total of 3,955 tablets of
7 Zolpidem 10 mg were dispensed to Respondent from three pharmacies and that using the
8 maximum daily dose indicated on each prescription, Respondent received a 2, 080 day
9 supply of Zolpidem 10 mg. This information led Pharmacy Board staff to seek
10 verification that each of the medical professionals whose names were on the prescription
11 had authorized them. Pharmacy Board staff received information from nurse practitioner
12 Christina Zimmerman that she had signed a prescription dated January 17, 2014 for
13 Zolpidem Tartrate 10 mg for Respondent but that she did not make the hand written
14 changes to the directions for use and did not circle the number "5" indicating the number
15 of authorized refills. Ms. Zimmerman also reported that she had signed prescriptions
16 dated August 13, 2012, November 13, 2012 and May 22, 2013 for Respondent but that
17 she did not authorize the 5 refills noted on each prescription. Respondent denied he
18 changed any prescriptions after they were written.
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22 CONCLUSIONS OF LAW

23 1. The Board possesses jurisdiction over the subject matter and over
24 Respondent pursuant to A.R.S. § 32-1901 *et seq.*
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1 EXECUTED COPY OF THE FOREGOING MAILED
2 BY FIRST-CLASS and CERTIFIED MAIL
3 this 3 day of June, 2015, to:

4 Steven LeMahieu
5 8152 S. Stephanie Lane
6 Tempe, Arizona 85284
7 Respondent

8 Kenneth R. Baker
9 RENAUD COOK DRURY MESAROS, PA
10 One North Central Avenue, Suite 900
11 Phoenix, Arizona 85004-4417
12 Attorneys for Respondent

13 EXECUTED COPY OF THE FOREGOING MAILED
14 this 3 day of June, 2015, to:

15 Montgomery Lee
16 Assistant Attorney General
17 1275 W. Washington Street, CIV/LES
18 Phoenix, Arizona 85007
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