

1 95 - 25 - H

2 BEFORE THE ARIZONA STATE BOARD OF PHARMACY

3 In the Matter of: )  
4 THOMAS F. BURRELL )  
Certificate of Registration )  
5 Number 6236 )  
6 \_\_\_\_\_ )

NOTICE OF HEARING  
NO. 95 - 25 - H

7 DIRECTED TO: THOMAS F. BURRELL  
8 665 W. 20th Street  
Yuma, AZ 85364

9 This Notice of Hearing is prepared pursuant to the requirements  
10 established by A.R.S. § 32-1928 and A.A.C. § R4-23-104.

11 JURISDICTION

12 I

13 For the reasons stated hereinbelow, and pursuant to A.R.S. § 32-  
14 1928, the Board of Pharmacy will conduct a hearing at 9:00 AM the 16th  
15 day of November, 1995 at 5060 N. 19th Avenue, 2nd Floor, Room 218,  
16 Phoenix, Arizona to determine whether or not Certificate of  
17 Registration No. 6236 should be revoked, suspended, or placed on  
18 probation, censored or fined.

19  
20 PARTIES

21 II

22 The Arizona State Board of Pharmacy is that body created and  
23 empowered pursuant to A.R.S. § 32-1904 to administer the laws of the  
24 State of Arizona relating to the practice of pharmacy.

1 III

2 THOMAS F. BURRELL is the holder of Certificate of Registration  
3 Number 6236 which allows him to engage in the practice of Pharmacy in  
4 the State of Arizona and was so engaged between the dates of August 1,  
5 1995 and August 31, 1995 as a pharmacist at Sant Drug Store pharmacy  
6 located at 419 8th Street, Yuma, Arizona.

7 FACTUAL ALLEGATIONS

8 IV

9 On or about August 21st, 1995, the ARIZONA STATE BOARD of  
10 PHARMACY did conduct an audit of compliance with professional  
11 practices that shall be performed by a pharmacist when directly  
12 dispensing a new prescription. THOMAS F. BURRELL failed to personally  
13 provide oral communication in compliance with A.A.C. § R4-23-402.B  
14 when dispensing new prescription number 736271 at Sant Drug Store  
15 pharmacy located at 419 8th Street, Yuma, Arizona.

16 CAUSE OF ACTION

17 V

18 A.R.S. § 32-1927(A) provides that the license of any pharmacist  
19 or pharmacy intern may be revoked or suspended or a pharmacist or  
20 pharmacy intern may be placed on probation by the board when:

- 21 10. The licensee is found by the board to be guilty of violating  
22 any Arizona or federal law, rule or regulation relating to  
23 the manufacture and distribution of drugs, devices or the  
24 practice of pharmacy.  
25  
26

1 Further A.R.S. § 32-1927(B) provides that the license of any  
2 pharmacist or pharmacy intern may be revoked or suspended or the  
3 pharmacist or pharmacy intern may be placed on probation or censured  
4 and a civil penalty of not more than five hundred dollars (\$500.00)  
5 for each offense may be imposed by the board when:

- 6 2. The licensee is found by the board, or is convicted in a  
7 federal or state court, of having violated federal or state  
8 laws or administrative rules pertaining to marijuana,  
prescription-only drugs, narcotics, dangerous drugs or  
controlled substances.

9 THOMAS F. BURRELL is directed to mail to the Board no later than  
10 the 20th day of October, 1995, a written response to the charges  
11 described above, specifically his defenses, assertions, or comments  
12 concerning such allegations.

13 THOMAS F. BURRELL is hereby notified that he may appear with or  
14 without the assistance of an attorney, on the date and at the time  
15 specified in this Notice of hearing and present testimony and argument  
16 in support of his defense with respect to the assertions contained in  
17 this Notice of Hearing. If the respondent fails to appear, the Board  
18 may proceed and determine the Matter in his absence.

19 THOMAS F. BURRELL is further notified that no continuance will be  
20 granted unless a request for continuance is submitted to the Board in  
21 writing, detailing the reasons for the requested continuance, and that  
22 request is granted by the Board. Except in the event of an emergency,  
23 a request for continuance shall be submitted to the Board no later  
24 than seven (7) days prior to the date of hearing.

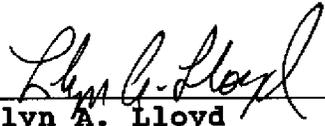
25  
26

1 DATED this 10<sup>th</sup> day of OCTOBER, 1995

2  
3 ARIZONA STATE BOARD OF PHARMACY

4  
5 SEAL

6 By \_\_\_\_\_

  
Llyn A. Lloyd  
Executive Director

7  
8  
9 Copies of the Foregoing Notice  
10 of Hearing mailed by certified  
11 mail this 10TH day of OCTOBER,  
12 1995 to:

11 THOMAS F. BURRELL  
12 419 8th Street  
13 Yuma, AZ 85364

14 And by courier mail to:

15 Montgomery Lee  
16 Assistant Attorney General  
17 1275 W. Washington  
18 Phoenix, AZ 85007  
19 Attorney for the State

20 and

21 Paula Bickett  
22 Assistant Attorney General  
23 1275 W. Washington  
24 Phoenix, AZ 85007  
25 Solicitor General's Office  
26

1 95-25-HO

2 BEFORE THE ARIZONA STATE BOARD OF PHARMACY

3 In the Matter of: )

4 THOMAS F. BURRELL )  
5 Certificate of Registration )  
6 Number 6236 )

FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND BOARD ORDER

NO. 95 - 25 - H

7 DIRECTED TO: THOMAS F. BURRELL  
8 665 W. 20th Street  
9 Yuma, AZ 85364

10 Pursuant to the foregoing Consent to Entry of Order, the evidence  
11 and records compiled and contained in the file for  
12 THOMAS F. BURRELL and for good cause appearing, the Board on this 16th  
13 day of November, 1995 enters the following Finding of Fact,  
14 Conclusions of Law and Board Order in the Matter of 95-25-H.

15 FINDINGS OF FACT

16 I

17 1. THOMAS F. BURRELL is the holder of Certificate of Registration  
18 Number 6236 issued by the Arizona State Board of Pharmacy which  
19 permits the holder to practice pharmacy in the State of Arizona.

20 2. That on the 13th day of October, 1995 THOMAS F. BURRELL did  
21 enter into a Consent to Entry of Order with the Arizona State Board of  
22 Pharmacy admitting that factual allegations contained in the Notice of  
23 Hearing Number 95-25-H are true and accurate.

24 3. That THOMAS F. BURRELL admits to violations of A.A.C. § R4-23-  
25 402.B, to wit:

26 failure to provide oral communication when directly dispensing a  
new prescription.





1 Copies of the foregoing Finding  
2 of Fact, Conclusions of Law and  
3 Board Order mailed by certified  
4 mail this 20th day of November,  
5 1995 to:

6 THOMAS F. BURRELL  
7 665 W. 20th Street  
8 Yuma, AZ 85364

9 and by Courier Mail to:

10 Montgomery Lee  
11 Assistant Attorney General  
12 1275 W. Washington  
13 Phoenix, AZ 85007  
14 Attorney for the State

15 and

16 Paula Bickett  
17 Assistant Attorney General  
18 1275 W. Washington  
19 Phoenix, AZ 85007  
20 Solicitor General's Office  
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# 384 710 243



### Receipt for Certified Mail

No Insurance Coverage Provided  
Do not use for International Mail  
(See Reverse)

PS Form 3800, June 1991

To: THOMAS F. BURRELL	
Street No: 665 W. 20 <sup>TH</sup> ST.	
P.O. Box, Zip Code: YUMA, AZ. 85364	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date 11-20-95	

Is your RETURN ADDRESS completed on the reverse side?

#### SENDER:

- Complete item 1 and/or 2 for additional services.
- Complete item 3 and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: THOMAS F. BURRELL 665 W. 20 <sup>TH</sup> STREET YUMA, AZ. 85364	4a. Article Number P-384-710-243
5. Signature (Addressee) <i>[Signature]</i>	4b. Service Type <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise
6. Signature (Agent) <i>[Signature]</i> NOV 27 1995	7. Date of Delivery
	8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

PATIENT COMMUNICATION SURVEY

DATE 8/21/95

TIME 9:15 AM

PHARMACY Sant Drug Store

C.O. Linda Weaver

ADDRESS 419 8th St.

CITY Yuma

WHO ACCEPTED RX ORDER ?

- A. CLERK/CASHIER \_\_\_\_\_
- B. TECHNICIAN \_\_\_\_\_
- C. PHARMACIST ✓ THOMAS BURRELL

WEARING NAME TAG W/TITLE?  
YES ✓ NO \_\_\_\_\_

IF NOT WEARING NAME TAG HOW DID YOU DETERMINE JOB STATUS ?  
\_\_\_\_\_

WHAT WAS SAID BY INDIVIDUAL ACCEPTING RX ORDER ?

Asked me if I had any allergies to medications, if

*proof cap?* I had had Penicillin before, my address + phone #, DOB, child- & would be 10 min to fill.

WHAT WAS YOUR RESPONSE? I would look around after answering questions

ASKED TO WAIVE YOUR RIGHT TO ORAL COMMUNICATION? YES \_\_\_\_\_ NO ✓

IF YES, YOUR RESPONSE? \_\_\_\_\_

WHO DISPENSED COMPLETED RX?

RPH ✓ CLERK \_\_\_\_\_ TECHNICIAN \_\_\_\_\_ OTHER \_\_\_\_\_

WHAT WAS SAID? CLERK Asked me if this was a new RX for me & I said yes. She told me the Rph would like to explain the medication to me. R.Ph. very thorough in oral communication

DID COMMUNICATION INCLUDE?:

YOUR NAME	YES <u>✓</u>	NO _____	DIRECTIONS	YES <u>✓</u>	NO _____
DRUG NAME/STR	YES <u>✓</u>	NO _____	STORAGE	YES _____	NO <u>✓</u>
SP INSTRUCTIONS	YES <u>✓</u>	NO _____	PRECAUTIONS	YES <u>✓</u>	NO _____

WERE YOU GIVEN OPPORTUNITY TO ASK QUESTIONS? YES ✓ NO \_\_\_\_\_

IN YOUR OPINION, WAS COMMUNICATION COMPLIANT W/R4-23-402?  
YES ✓ NO \_\_\_\_\_ ( IN WINDOW \_\_\_\_\_ OUT WINDOW ✓ )

IF NO, DEFICIENCY: \_\_\_\_\_

WERE YOU RECOGNIZED AS AN AGENT OF THE BOARD OF PHARMACY?

YES \_\_\_\_\_ NO ✓

*6.00*



1 95-25-HC

95 OCT 14 1976

2 BEFORE THE ARIZONA STATE BOARD OF PHARMACY

3 In the Matter of: )  
4 )  
5 THOMAS F. BURRELL )  
6 Certificate of Registration )  
7 Number 6236 )

CONSENT TO ENTRY OF ORDER

95 - 25 - H

8 DIRECTED TO: THOMAS F. BURRELL  
9 665 W. 20th Street  
Yuma, AZ 85364

10 Notice of Hearing No. 95-25-H ("Notice") has been served on  
11 THOMAS F. BURRELL charging him with failure to provide oral  
12 communication when directly dispensing a new prescription, a violation  
13 of A.A.C. § R4-23-402B:

14 The pharmacist or pharmacy intern shall personally provide  
15 oral communication, which shall include directions for use, name of  
16 prescribed medication, and any special instructions, precautions or  
17 storage requirements, to the patient or patient's agent in all  
18 outpatient settings including the provision of hospital discharge  
19 medications whenever any of the following occurs:

- 17 1. The prescribed medication has not been previously dispensed to
- 18 the patient or a new prescription number is assigned to a previously
- 19 dispensed medication;
- 20 2. The prescription drug has not previously been dispensed to the
- 21 patient in the same strength, dosage form, or directions;
- 22 3. In the professional judgement of the pharmacist, it is deemed
- 23 warranted;
- 24 4. Upon request of the patient or the patient's agent.

23 In lieu of a Board Hearing on this matter THOMAS F. BURRELL  
24 agrees to waive his right to a hearing as provided for in A.R.S. §  
25 32-1928. Further, THOMAS F. BURRELL has expressed a desire to execute  
26 a Consent to Entry of Order ("Consent") pursuant to A.R.S. §

1 41-1061(D) in lieu of participating in a hearing concerning the  
2 allegation that he failed to provide oral communication when directly  
3 dispensing a new prescription.

4 THEREFORE, in lieu of further proceedings and as a final  
5 disposition in this matter:

6 1. THOMAS F. BURRELL admits that he is the holder of  
7 Certificate of Registration Number 6236, which permits him to engage  
8 in the practice of pharmacy in Arizona, and that he was so engaged  
9 between the dates of August 1, 1995 and August 31, 1995.

10 2. THOMAS F. BURRELL admits that the factual allegations  
11 contained in the Notice are true and accurate.

12 3. THOMAS F. BURRELL admits that the conduct described in the  
13 Notice is conduct constituting grounds for disciplinary action as  
14 provided for in A.R.S. § 32-1927(A)(10) and A.R.S. § 32-1927(B)(2).

15 4. THOMAS F. BURRELL acknowledges that the record prepared in  
16 this matter, all investigative materials prepared and received by the  
17 Board concerning the allegations, and all related exhibits and  
18 materials may be retained in the Board's file pertaining to this  
19 matter.

20 5. THOMAS F. BURRELL understands that pursuant to A.R.S. § 32-  
21 1928 he has a right to a public hearing concerning each allegation  
22 that he has violated A.A.C. § R4-23-402B. He further acknowledges that  
23 at this formal hearing he could present evidence and cross examine  
24 witnesses. THOMAS F. BURRELL waives his right to such a hearing.

1           6. THOMAS F. BURRELL waives any right to rehearing or review or  
2 judicial review of the findings of fact and conclusions of law and  
3 order.

4           7. THOMAS F. BURRELL acknowledges that in view of the findings  
5 of fact and conclusions of law resulting from this consent, and  
6 pursuant to A.R.S. § 32-1927(A)(10) & A.R.S. § 32-1927(B)(2) the Board  
7 is authorized to take formal disciplinary action.

8           8. THOMAS F. BURRELL understands that he has the right to  
9 consult with an attorney prior to entering into this consent to entry  
10 of order.

11           9. THOMAS F. BURRELL acknowledges that the admissions contained  
12 in this consent are conclusive evidence of conduct constituting  
13 grounds for disciplinary action and may be used for purposes to  
14 determine sanctions in any future disciplinary matter.

15           10. THOMAS F. BURRELL acknowledges that this consent will be  
16 effective only upon its acceptance by the Board.

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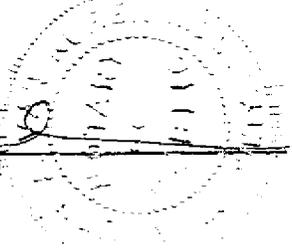
DATED this 13<sup>th</sup> day of October, 1995

*Thomas F. Burrell*  
\_\_\_\_\_  
THOMAS F. BURRELL

STATE OF ARIZONA )  
                                  )  
COUNTY OF YUMA        )  
\_\_\_\_\_                  )

SUBSCRIBED AND SWORN to before me this 13<sup>th</sup> day of October, 1995 by  
THOMAS F. BURRELL

*[Signature]*  
\_\_\_\_\_  
Notary Public



My Commission Expires: 1/4/98

SANT DRUG, INC.  
419 8TH STREET  
YUMA, AZ 85364

FIRST NATIONAL BANK  
OF ARIZONA  
YUMA, AZ 85364  
91-522/1221

3689

PAY

One hundred dollar

DATE

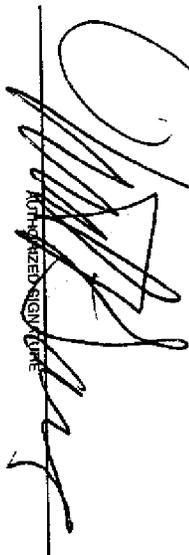
1/20/96

AMOUNT

TO THE  
ORDER  
OF

Chris State Board of Pharmacy

Case # 95-25-14

  
NON-SIGNATURE

⑆003689⑆ ⑆122105223⑆ 4002⑆009021⑆

CALL TO THE BOARD  
FOR THE BOARD OF ARIZONA  
ARIZONA STATE BOARD  
RECEIVED

Z 741 343 87



**Receipt for  
Certified Mail**

No Insurance Coverage Provided  
Do not use for International Mail  
(See Reverse)

TOY DURRELL	
Street and No. 605 W. 20TH ST.	
P.O., State, and ZIP Code YUMA 83364	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date 10-6-95	

PS Form 3800, March 1993

1 95-25-OA

2 BEFORE THE ARIZONA STATE BOARD OF PHARMACY

3	In the Matter of:	)	
4	THOMAS F. BURRELL	)	AMENDED BOARD ORDER
5	Certificate of Registration	)	
6	Number 6236	)	NO. 95 - 25 - H

7 DIRECTED TO: THOMAS F. BURRELL  
 8 665 W. 20th Street  
 9 Yuma, AZ 85364

10 This Matter came before the Arizona State Board of Pharmacy  
 11 on the 17th day of July, 1996 pursuant to a request by the Respondent  
 12 to amend the Order in the matter of 95-25-H. Gerald G. Ritt,  
 13 president, presided, with Charles E. Cordell, vice president, and  
 14 members Daniel Jacob, Michael Noel, Natalie Spencer, Eugene Drake and  
 15 Dennis McAllister in attendance and participating in discussion  
 16 therein.

17 THOMAS F. BURRELL requested that the probation imposed in the  
 18 matter of 95-25-H be vacated pursuant to his completion of the  
 19 conditions outlined in paragraphs 1. and 2. of the Order.

20 After deliberation the request by THOMAS F. BURRELL was accepted  
 21 and the Board unanimously agreed to amend the Order in the matter of  
 22 95-25-H by vacating the probation imposed.

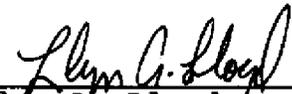
23  
 24  
 25  
 26

1 DATE of this Amended Order is the 17th day of July, 1996

2 ARIZONA STATE BOARD OF PHARMACY

3

4 SEAL

By   
Llyn A. Lloyd  
Executive Director

5

6

7

8

Copies of the foregoing Amended Board Order mailed by United States mail this 30th day of July, 1996 to:

9

10

THOMAS F. BURRELL  
665 W. 20th Street  
Yuma, AZ 85364

11

12

and by Courier Mail to:

13

Montgomery Lee  
Assistant Attorney General  
1275 W. Washington  
Phoenix, AZ 85007  
Attorney for the State

14

15

16

and

17

Paula Bickett  
Assistant Attorney General  
1275 W. Washington  
Phoenix, AZ 85007  
Solicitor General's Office

18

19

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**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1.  Addressee's Address
- 2.  Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

THOMAS F. BURDELL  
665 W. 20th ST.  
YUMA, AZ 85364

4a. Article Number

P-384-710-161

4b. Service Type

- Registered
- Certified
- Express Mail
- Insured
- COD
- Return Receipt for Merchandise

7. Date of Delivery

7-30-96 AUS33

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)

*Thomas F. Burdell*

6. Signature (Agent)

PS Form 3871, December 1991

U.S. GPO: 1992-323-402

**DOMESTIC RETURN RECEIPT**

**JUL 30 1996**

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.