

1 01-0009-HO

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

3 In the Matter of:

4 JAMES FORSTER)
Certificate of Registration)
5 Number 5357)
_____)

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND BOARD ORDER
NO. 01-0009-PHR**

7 DIRECTED TO: JAMES FORSTER
8 P. O. Box 803
Carefree, AZ 85377

9 In the interest of a prompt and judicious settlement of this case, consistent with the public interest,
10 statutory requirements and responsibilities of the Arizona State Board of Pharmacy, the foregoing Consent
11 to Entry of Order ("Consent"), the evidence and records compiled and contained in the file for JAMES
12 FORSTER and for good cause appearing, the Board on this 6th day of September, 2001 enters the
13 following Finding of Fact, Conclusions of Law and Board Order in the Matter of 01-0009-PHR.

14 **FINDINGS OF FACT**

15 **I**

16 1. JAMES FORSTER is the holder of Certificate of Registration Number 5357 issued by the
17 Arizona State Board of Pharmacy which permits the holder to practice pharmacy in the State of Arizona.

18 2. That on the 24th day of August, 2001, JAMES FORSTER entered into the Consent with the
19 Arizona State Board of Pharmacy neither admitting nor denying the factual allegations contained in the
20 Notice of Hearing Number 01-0009-PHR, but for the purposes of the Consent acknowledging that
21 sufficient evidence exists for the Board to make these Findings of Fact.

22 3. That JAMES FORSTER neither admits nor denies violating A.A.C. R4-23-402(A)(10) and
23 A.R.S. § 32-1927(B)(1), but for the purposes of the Consent acknowledges that sufficient evidence exists
24 for the Board to find violations to wit:

- 25 A.A.C. R402(A) A pharmacist or a graduate intern or pharmacy intern under the supervision of
26 a pharmacist shall perform the following professional practices in dispensing a prescription
10. Check a prescription label to ensure that it communicates the prescriber's directions precisely

1 A.R.S. § 32-1927(B) The license of any pharmacist, pharmacy intern or graduate intern may be
2 revoked or suspended or the pharmacist, pharmacy intern or graduate intern may be placed on
3 probation or censured and a civil penalty of not more than one thousand dollars for each offense
4 may be imposed by the Board when:

5 1. The licensee is found by the Board to be guilty of dispensing a different drug or brand of drug
6 in place of the drug or brand of drug ordered or prescribed without the express permission in each
7 case of the orderer, or in the case of a prescription order, the medical practitioner. The conduct
8 prohibited by this paragraph does not apply to substitutions authorized pursuant to §§ 32-1963.01

9
10 **CONCLUSIONS OF LAW**

11 **II**

12 1. The Board concludes that it has jurisdiction in this Matter pursuant to A.R.S. § 32-
13 1927(B)(1).

14 2. The Board concludes that JAMES FORSTER violated A.A.C. R4-23-402(A)(10) and
15 A.R.S. § 32-1927(B)(1).

16 **ORDER**

17 **III**

18 The Board accepts the voluntary surrender of certificate of Registration Number 5357 issued
19 to JAMES FORSTER, effective immediately. The Board acknowledges that this voluntary surrender
20 will not be reported to the National Association of Board of Pharmacy but shall be subject to
21 discovery pursuant to A.R.S. § 39-101, et seq..

22 DATED this th 6 day of September, 2001

23 **ARIZONA STATE BOARD OF**

24 **PHARMACY**

25 **SEAL**

26 By Llyn A. Lloyd

Llyn A. Lloyd

Executive Director

1 Copies of the foregoing Finding
2 of Fact, Conclusions of Law and
3 Board Order mailed by certified
4 mail this 7th day of September, 2001 to:

4 JAMES FORSTER
5 P. O. Box 803
6 Carefree, AZ 85377

6 and by Courier Mail to:

7 Victoria Martin
8 Assistant Attorney General
9 1275 W. Washington
10 Phoenix, AZ 85007
11 Attorney for the State

10 and

11 Tom Dennis
12 Assistant Attorney General
13 1275 W. Washington
14 Phoenix, AZ 85007
15 Civil Appeals Section

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

James Forster
P.O. BOX 803
Carefree, AZ 85377



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Jim Forster 9/10/01

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