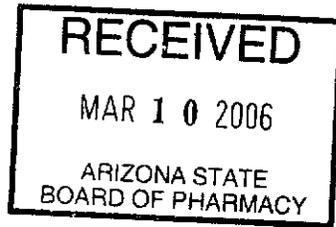


March 6<sup>th</sup>, 2006



Hal Wand  
Executive Director  
Arizona State Board of Pharmacy  
4425 W. Olive Avenue, Suite 140  
Glendale, Arizona 85302

Mr. Wand:

Enclosed is the signed and notarized Consent Agreement dated March 3<sup>rd</sup> 2006. As per the requirement of line 24, I am licensed only in Arizona (# 6623).

A handwritten signature in cursive script that reads "Dennis Lambert RPh".

Dennis Lambert RPh  
Arizona License # 6623  
4244 E Kilmer Street  
Tucson, Arizona 85711

RECEIVED

MAR 10 2006

ARIZONA STATE BOARD OF PHARMACY

BEFORE THE ARIZONA STATE BOARD OF PHARMACY

In the Matter of:

DENNIS LAMBERT, R.Ph.  
Holder of License No. 6623  
For the Practice of Pharmacy  
In the State of Arizona,

Respondent

INVESTIGATION CASE NO. 06-0005-PHR

CONSENT AGREEMENT AND  
ORDER FOR PROBATION

CONSENT AGREEMENT

RECITALS

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") and under A.R.S. §§ 32-1901 *et. seq.* and 41-1092.07(F)(5), Dennis Lambert ("Respondent"), holder of Pharmacist License No. 6623 to practice pharmacy 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.

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 the above-captioned 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.

1  
2           5.     Respondent understands this Consent Agreement deals with Board Complaint No.3024  
3 involving allegations of unprofessional conduct against Respondent. The investigation into these  
4 allegations against Respondent shall be concluded upon the Board's adoption of this Consent  
5 Agreement.

6           6.     Respondent understands that this Consent Agreement does not constitute a dismissal or  
7 resolution of any other matters which may come before the Board in the future, if any, and does not  
8 constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding  
9 any other future investigations, actions or proceedings. Respondent also understands that acceptance  
10 of this Consent Agreement does not preclude any other agency, subdivision, or officer of this State  
11 from instituting any other civil or criminal proceedings with respect to the conduct that is the subject  
12 of this Consent Agreement.

13           7.     Respondent acknowledges and agrees that, upon signing this Consent Agreement and  
14 returning this document to the Board's Executive Director, he may not revoke his acceptance of the  
15 Consent Agreement or make any modifications to the document regardless of whether the Consent  
16 Agreement has been signed by the Executive Director. Any modification to this original document is  
17 ineffective and void unless mutually agreed by the parties in writing.

18           8.     Respondent understands that the Consent Agreement shall not become effective unless  
19 and until adopted by the Board and signed by its Executive Director.

20           9.     If a court of competent jurisdiction rules that any part of this Consent Agreement is void  
21 or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full force and  
22 effect. Respondent understands and agrees that if the Board does not adopt this Consent  
23 Agreement, he will not assert as a defense that the Board's consideration of this Consent Agreement  
24 constitutes bias, prejudice, prejudgment or other similar defenses.

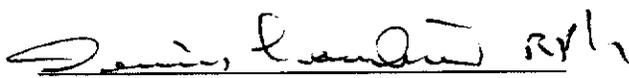
25           10.    Respondent understands that this Consent Agreement is a public record that may be  
26 publicly disseminated as a formal action of the Board and may be reported as required by law to the

National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

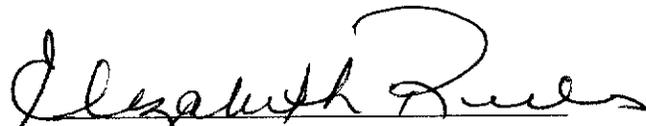
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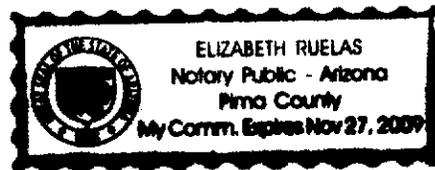
1 11. Respondent understands that any violation of this Consent Agreement constitutes  
2 unprofessional conduct under A.R.S. § 32-1901.01 (B) (20) ([i]n this chapter, unless the context  
3 otherwise requires, for the purposes of disciplining a pharmacist, pharmacy intern or graduate intern,  
4 “unprofessional conduct” means the following, whether occurring in this state or elsewhere: violating  
5 a formal order, terms of probation, a consent agreement or a stipulation issued or entered into by the  
6 board or its executive director pursuant to this chapter), which shall result in disciplinary action under  
7 A.R.S. § 32-1927(A)(1).

8 **REVIEWED AND ACCEPTED BY**

9  
10   
11 **DENNIS LAMBERT, R.Ph.**

12 3/3/06  
13 **DATE**

14   
15 **Notary Public**



16 **FINDINGS OF FACT**

17 By stipulation of the parties, this Consent Agreement is entered into for final disposition of the  
18 matters described herein. Respondent neither admits nor denies the Findings of Fact, but  
19 acknowledges the Board has sufficient evidence to allege them.

20 12. The Board is the duly constituted authority for the regulation and control of the  
21 practice of pharmacy in the State of Arizona.

22 13. The Board possesses jurisdiction over the subject matter and over Respondent as a  
23 licensee of the Board.

24 14. Respondent is the holder of a Pharmacy License No. 6623 which permits him to  
25 engage in the practice of pharmacy in the State of Arizona.  
26





1 effective date of this Order. If Respondent fails the examination, he can retake the examination one  
2 more time; however, the retaking of the examination shall occur within the probation period of this  
3 Order .

4 26. Respondent shall take Pharmacist Self-Assessment Mechanism ("PSAM") within sixty  
5 (60) days from the effective date of this Order. Respondent shall forward a copy of his PSAM results  
6 to the Board.

7 27. Respondent shall pay all fees and complete all continuing education requirements  
8 throughout the term of his probation to maintain Pharmacy License No. 6623.

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

11 29. Respondent shall appear in person before the Board to respond to questions or  
12 concerns regarding his compliance with this Order when requested by the Board.

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

17 31. Respondent's probation shall automatically terminate within ninety (90) days from the  
18 effective date of this Consent Agreement if the following is completed: (a) Respondent has  
19 successfully passed the MPJE as explained in Paragraph 25; and (b) Respondent has taken the PSAM  
20 examination and forwarded his test results to the Board as explained in Paragraph 26. If Respondent  
21 believes he will be unable to complete the above two conditions as specified in this paragraph, he  
22 shall promptly petition the Board, within ninety (90) days from the effective date of this Consent  
23 Agreement, to explain his situation and request any relief from the Board so that he can complete the  
24 above-stated conditions.

1 **DATED this \_\_\_ day of March, 2006**

2 **ARIZONA STATE BOARD OF PHARMACY**

3  
4 Hal Wand, R.Ph., Executive Director

5 **ORIGINAL** of the foregoing, fully executed,  
6 filed this \_\_\_ day of March 2006, with:

7  
8 Arizona State Board of Pharmacy  
9 4425 W. Olive Avenue, #140  
10 Glendale, Arizona 85302

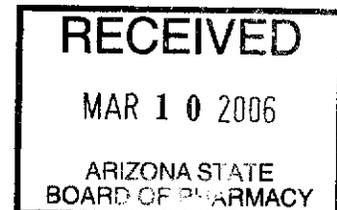
11 **Copy** of the foregoing sent via  
12 Certified US mail this \_\_\_ day of  
13 March, 2006 to:

14 Dennis Lambert, R.Ph.  
15 4244 E. Kilmer St.  
16 Tucson, AZ 85711

17 **Copy** or the foregoing mailed  
18 this \_\_\_ day of March, 2006 to:

19 Roberto Pulver  
20 Assistant Attorney General  
21 1275 W. Washington, CIV/LES  
22 Phoenix, Arizona 85007  
23 Attorney for the State

24  
25 By: \_\_\_\_\_  
26 #465726





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2 involving allegations of unprofessional conduct against Respondent. The investigation into these  
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6 constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any  
7 other future investigations, actions or proceedings. Respondent also understands that acceptance of this  
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9 instituting any other civil or criminal proceedings with respect to the conduct that is the subject of this  
10 Consent Agreement.

11          7.     Respondent acknowledges and agrees that, upon signing this Consent Agreement and  
12 returning this document to the Board's Executive Director, he may not revoke his acceptance of the  
13 Consent Agreement or make any modifications to the document regardless of whether the Consent  
14 Agreement has been signed by the Executive Director. Any modification to this original document is  
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19 otherwise unenforceable, the remainder of the Consent Agreement shall remain in full force and effect.  
20 Respondent understands and agrees that if the Board does not adopt this Consent  
21 Agreement, he will not assert as a defense that the Board's consideration of this Consent Agreement  
22 constitutes bias, prejudice, prejudgment or other similar defenses.

23          10.    Respondent understands that this Consent Agreement is a public record that may be  
24 publicly disseminated as a formal action of the Board and may be reported as required by law to the  
25 National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.  
26

1 11. Respondent understands that any violation of this Consent Agreement constitutes  
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4 “unprofessional conduct” means the following, whether occurring in this state or elsewhere: violating a  
5 formal order, terms of probation, a consent agreement or a stipulation issued or entered into by the board  
6 or its executive director pursuant to this chapter), which shall result in disciplinary action under A.R.S. §  
7 32-1927(A)(1).

8 **REVIEWED AND ACCEPTED BY**

9  
10 \_\_\_\_\_  
11 **DENNIS LAMBERT, R.Ph.**

\_\_\_\_\_ **DATE**

12  
13 \_\_\_\_\_  
14 **Notary Public**

15 **FINDINGS OF FACT**

16 By stipulation of the parties, this Consent Agreement is entered into for final disposition of the  
17 matters described herein. Respondent neither admits nor denies the Findings of Fact, but acknowledges  
18 the Board has sufficient evidence to allege them.

19 12. The Board is the duly constituted authority for the regulation and control of the practice of  
20 pharmacy in the State of Arizona.

21 13. The Board possesses jurisdiction over the subject matter and over Respondent as a licensee  
22 of the Board.

23 14. Respondent is the holder of a Pharmacy License No. 6623 which permits him to engage in  
24 the practice of pharmacy in the State of Arizona.





date of this Order. If Respondent fails the examination, he can retake the examination one more time; however, the retaking of the examination shall occur within the probation period of this Order .

1  
2           26.     Respondent shall take Pharmacist Self-Assessment Mechanism ("PSAM") within sixty  
3 (60) days from the effective date of this Order. Respondent shall forward a copy of his PSAM results  
4 to the Board.

5  
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7 throughout the term of his probation to maintain Pharmacy License No. 6623.

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9 pharmacy.

10          29.     Respondent shall appear in person before the Board to respond to questions or concerns  
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13 Order, the Board, after giving the Respondent notice and the opportunity to be heard, may revoke, suspend  
14 or take other disciplinary actions against the Respondent. The issue at such a hearing will be  
15 limited solely to whether this Order has been violated.

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21 Board, within ninety (90) days from the effective date of this Consent Agreement, to explain his situation  
22 and request any relief from the Board so that he can complete the above-stated conditions.

1 DATED this \_\_\_ day of March, 2006

2 ARIZONA STATE BOARD OF PHARMACY

3  
4 \_\_\_\_\_  
Hal Wand, R.Ph., Executive Director

5 ORIGINAL of the foregoing, fully executed,  
6 filed this \_\_\_ day of March 2006, with:

7 Arizona State Board of Pharmacy  
8 4425 W. Olive Avenue, #140  
9 Glendale, Arizona 85302

10 Copy of the foregoing sent via  
11 Certified US mail this \_\_\_ day of  
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14 4244 E. Kilmer St.  
15 Tucson, AZ 85711

16 Copy or the foregoing mailed  
17 this \_\_\_ day of March, 2006 to:

18 Roberto Pulver  
19 Assistant Attorney General  
20 1275 W. Washington, CIV/LES  
21 Phoenix, Arizona 85007  
22 Attorney for the State

23  
24 By: \_\_\_\_\_  
25 #465726  
26



ARIZONA STATE BOARD OF PHARMACY

PO Box 6389, GLENDALE, ARIZONA 85312-6389  
4425 WEST OLIVE AVENUE, SUITE 140, GLENDALE, ARIZONA 85302-3844  
623-463-ASBP (2727) FAX 623-934-0583  
www.pharmacy.state.az.us

February 24, 2006

Dennis Lambert, RPh  
4244 E. Kilmer St..  
Tucson, AZ 85711

Dear Mr. Lambert,

This letter and accompanying documents contain a written stipulated agreement and Board Order. The Consent Agreement contains allegations which are violations of pharmacy statutes or rules.

The Board Order is consistent with Board action on similar matters in Arizona. If you wish to forego the expense and uncertainty of a formal hearing before the Board at a Board meeting, please sign the Consent to Entry Order document, have it notarized, and return it to me at this office. The full Board will decide to accept or reject the Order at the next regularly scheduled Board meeting.

I would appreciate hearing from you as soon as possible, whether or not you decide to accept the Consent Agreement, before the 10<sup>th</sup> day of March, 2006.

Please contact me at this office to verify understanding of the documents or to clarify any issues that concern you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hal Wand', written in a cursive style.

Hal Wand  
Executive Director

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

2 In the Matter of:

3 DENNIS LAMBERT, R.Ph. )  
4 Holder of License No. 6623 )  
5 For the Practice of Pharmacy )  
6 In the State of Arizona, )

Respondent )

**INVESTIGATION CASE NO. 06-0005-PHR**

**CONSENT AGREEMENT AND  
ORDER FOR PROBATION**

7 **CONSENT AGREEMENT**

8 **RECITALS**

9  
10 In the interest of a prompt and judicious settlement of this case, consistent with the public  
11 interest, statutory requirements and the responsibilities of the Arizona State Board of Pharmacy ("Board")  
12 and under A.R.S. §§ 32-1901 *et. seq.* and 41-1092.07(F)(5), Dennis Lambert ("Respondent"),  
13 holder of Pharmacist License No. 6623 to practice pharmacy in the State of Arizona, and the Board  
14 enter into the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent  
15 Agreement") as a final disposition of this matter.

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

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

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

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

1           5.     Respondent understands this Consent Agreement deals with Board Complaint No. 2996  
2 involving allegations of unprofessional conduct against Respondent. The investigation into these  
3 allegations against Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

4           6.     Respondent understands that this Consent Agreement does not constitute a dismissal or  
5 resolution of any other matters which may come before the Board in the future, if any, and does not  
6 constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any  
7 other future investigations, actions or proceedings. Respondent also understands that acceptance of this  
8 Consent Agreement does not preclude any other agency, subdivision, or officer of this State from  
9 instituting any other civil or criminal proceedings with respect to the conduct that is the subject of this  
10 Consent Agreement.

11          7.     Respondent acknowledges and agrees that, upon signing this Consent Agreement and  
12 returning this document to the Board's Executive Director, he may not revoke his acceptance  
13 of the Consent Agreement or make any modifications to the document regardless of whether the Consent  
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15 ineffective and void unless mutually agreed by the parties in writing.

16          8.     Respondent understands that the Consent Agreement shall not become effective unless and  
17 until adopted by the Board and signed by its Executive Director.

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

20          10.    Respondent understands and agrees that if the Board does not adopt this Consent  
21 Agreement, he will not assert as a defense that the Board's consideration of this Consent Agreement  
22 constitutes bias, prejudice, prejudgment or other similar defenses.

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

26          12.    Respondent understands that any violation of this Consent Agreement constitutes

1 unprofessional conduct under A.R.S. § 32-1901.01 (B) (20) ([i]n this chapter, unless the context otherwise  
2 requires, for the purposes of disciplining a pharmacist, pharmacy intern or graduate intern,  
3 “unprofessional conduct” means the following, whether occurring in this state or elsewhere: violating a  
4 formal order, terms of probation, a consent agreement or a stipulation issued or entered into by the board  
5 or its executive director pursuant to this chapter), which shall result in disciplinary action under A.R.S. §  
6 32-1927(A)(1).

7 **REVIEWED AND ACCEPTED BY**

8  
9 \_\_\_\_\_  
10 **DENNIS LAMBERT, R.Ph.**

\_\_\_\_\_ **DATE**

11  
12 \_\_\_\_\_  
13 **Notary Public**

14 **FINDINGS OF FACT**

15 By stipulation of the parties, this Consent Agreement is entered into for final disposition of the  
16 matters described herein. Respondent admits to the following Findings of Fact:

17 13. The Board is the duly constituted authority for the regulation and control of the practice  
18 of pharmacy in the State of Arizona.

19 14. The Board possesses jurisdiction over the subject matter and over Respondent as a  
20 licensee of the Board.

21 15. Respondent is the holder of a Pharmacist License No. 6623 which permits him to engage in  
22 the practice of pharmacy in the State of Arizona.

23 16. On January 25, 2005, Respondent appeared before the Board to respond to allegations that  
24 he failed as the pharmacist-in-charge to monitor patient W.S.’s prescription refills for Darvocet-N100.

25 17. The Board received a complaint from Pima Health System claiming that Osco Pharmacy  
26 #9264 failed to monitor patient W.S.’s prescription refills for Darvocet-N100. The pharmacist-in-charge

1 18. at the Osco Pharmacy failed to monitor the quantity and frequency of Darvocet-N100 that  
2 was dispensed to patient W.S., which resulted in the patient receiving toxic dosages of acetaminophen.

3 19. Respondent testified that patient W.S. obtained the toxic dosages of acetaminophen by  
4 requesting early refills using various excuses and phoning the pharmacy for refills when different  
5 pharmacists or technicians were on duty. The Board expressed concern that no pharmacists, especially  
6 Respondent—pharmacist-in-charge—did not have a protocol in detecting and preventing W.S. from  
7 obtaining unauthorized early refills. Respondent stated that the pharmacy now has a warning protocol to  
8 prevent unauthorized early refilling of prescriptions.

9 20. The Board found that Respondent failed as the pharmacist-in-charge to verify the legality  
10 and pharmaceutical feasibility of dispensing a drug based upon a patient's use of unusual quantities of a  
11 narcotic and the frequency of refills. The Board further found that Respondent did not exercise his  
12 professional judgment in preventing patient W.S. from obtaining these toxic dosages of acetaminophen.

### 13 CONCLUSIONS OF LAW

14 21. The Board is the duly constituted authority for the regulation and control of the practice  
15 of pharmacy in the State of Arizona, under A.R.S. § 32-1901, *et seq.*

16 22. The conduct and circumstance described in the above Findings of Fact constitute  
17 unprofessional conduct and are grounds for disciplinary action under A.R.S. § 32-1927(A)(1)  
18 to wit:

19 **A.R.S. § 32-1927 (A)(1):** A pharmacist, pharmacy intern or graduate intern is subject to  
disciplinary action by the board for any of the following:

20 The board determines that the licensee has committed an act of unprofessional conduct.

21 23. The conduct and circumstances described in the above Findings of Fact constitute  
22 unprofessional conduct and are violations of **A.A.C. § R4-23-402(A)(5), (6) & (11)** to-wit:

23 **A.A.C. § R4-23-402(A)(5), (6) & (11):** Pharmacist, Graduate Intern, and Pharmacy Intern

24 A. A pharmacist or a graduate intern or pharmacy intern under the supervision of a pharmacist shall  
25 perform the following professional practices in dispensing a prescription medication form a prescription  
26 order:



1           29.       Respondent shall take Pharmacist Self-Assessment Mechanism ("PSAM") within sixty  
2 (60) days from the effective date of this Order. Respondent shall forward a copy of his PSAM results to  
3 the Board.

4           30.       Respondent shall pay all fees and complete all continuing education requirements  
5 throughout the term of his probation to maintain Pharmacy License No. 6623.

6           31.       Respondent shall obey all federal and state laws and rules governing the practice of  
7 pharmacy.

8           32.       Respondent shall appear in person before the Board to respond to questions or concerns  
9 regarding his compliance with this Order when requested by the Board.

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11 Order, the Board, after giving the Respondent notice and the opportunity to be heard, may revoke, suspend  
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21

22 **DATED this \_\_\_ day of March, 2006**

23 **ARIZONA STATE BOARD OF PHARMACY**

24  
25 \_\_\_\_\_  
26 Hal Wand, R.Ph.,  
Executive Director

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**ORIGINAL** of the foregoing, fully executed,  
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4425 W. Olive Avenue, #140  
Glendale, Arizona 85302

**Copy** of the foregoing sent via  
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4244 E. Kilmer St.  
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Roberto Pulver  
Assistant Attorney General  
1275 W. Washington, CIV/LES  
Phoenix, Arizona 85007  
Attorney for the State

By: \_\_\_\_\_  
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Respondent )

**INVESTIGATION CASE NO. 06-0005-PHR**

**CONSENT AGREEMENT AND  
ORDER FOR PROBATION**

7 **CONSENT AGREEMENT**

8 **RECITALS**

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15 ("Consent Agreement") as a final disposition of this matter.

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

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

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

26 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.

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5. Respondent understands this Consent Agreement deals with Board Complaint No.3024 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 which may come before the Board in the future, if any, and does not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any other future investigations, actions or proceedings. 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.

7. 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.

8. Respondent understands that the Consent Agreement shall not become effective unless and until adopted by the Board and signed by its Executive Director.

9. 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. Respondent understands and agrees that if the Board does not adopt this Consent Agreement, he will not assert as a defense that the Board's consideration of this Consent Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

10. 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.

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1 11. Respondent understands that any violation of this Consent Agreement constitutes  
2 unprofessional conduct under A.R.S. § 32-1901.01 (B) (20) ([i]n this chapter, unless the context  
3 otherwise requires, for the purposes of disciplining a pharmacist, pharmacy intern or graduate intern,  
4 “unprofessional conduct” means the following, whether occurring in this state or elsewhere: violating  
5 a formal order, terms of probation, a consent agreement or a stipulation issued or entered into by the  
6 board or its executive director pursuant to this chapter), which shall result in disciplinary action under  
7 A.R.S. § 32-1927(A)(1).

8 **REVIEWED AND ACCEPTED BY**

9  
10 \_\_\_\_\_  
11 **DENNIS LAMBERT, R.Ph.**

\_\_\_\_\_

**DATE**

12  
13 \_\_\_\_\_  
14 **Notary Public**

15 **FINDINGS OF FACT**

16 By stipulation of the parties, this Consent Agreement is entered into for final disposition of the  
17 matters described herein. Respondent neither admits nor denies the Findings of Fact, but  
18 acknowledges the Board has sufficient evidence to allege them.

19 12. The Board is the duly constituted authority for the regulation and control of the  
20 practice of pharmacy in the State of Arizona.

21 13. The Board possesses jurisdiction over the subject matter and over Respondent as a  
22 licensee of the Board.

23 14. Respondent is the holder of a Pharmacy License No. 6623 which permits him to  
24 engage in the practice of pharmacy in the State of Arizona.  
25  
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effective date of this Order. If Respondent fails the examination, he can retake the examination one more time; however, the retaking of the examination shall occur within the probation period of this Order.

26. Respondent shall take Pharmacist Self-Assessment Mechanism ("PSAM") within sixty (60) days from the effective date of this Order. Respondent shall forward a copy of his PSAM results to the Board.

27. Respondent shall pay all fees and complete all continuing education requirements throughout the term of his probation to maintain Pharmacy License No. 6623.

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

29. Respondent shall appear in person before the Board to respond to questions or concerns regarding his compliance with this Order when requested by the Board.

30. 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. The issue at such a hearing will be limited solely to whether this Order has been violated.

31. Respondent's probation shall automatically terminate within ninety (90) days from the effective date of this Consent Agreement if the following is completed: (a) Respondent has successfully passed the MPJE as explained in Paragraph 27; and (b) Respondent has taken the PSAM examination and forwarded his test results to the Board as explained in Paragraph 28. If Respondent believes he will be unable to complete the above two conditions as specified in this paragraph, he shall promptly petition the Board, within ninety (90) days from the effective date of this Consent Agreement, to explain his situation and request any relief from the Board so that he can complete the above-stated conditions.

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DATED this \_\_\_ day of March, 2006

ARIZONA STATE BOARD OF PHARMACY

\_\_\_\_\_  
Hal Wand, R.Ph., Executive Director

ORIGINAL of the foregoing, fully executed,  
filed this \_\_\_ day of March 2006, with:

Arizona State Board of Pharmacy  
4425 W. Olive Avenue, #140  
Glendale, Arizona 85302

Copy of the foregoing sent via  
Certified US mail this \_\_\_ day of  
March, 2006 to:

Dennis Lambert, R.Ph.  
4244 E. Kilmer St.  
Tucson, AZ 85711

Copy or the foregoing mailed  
this \_\_\_ day of March, 2006 to:

Roberto Pulver  
Assistant Attorney General  
1275 W. Washington, CIV/LES  
Phoenix, Arizona 85007  
Attorney for the State

By: \_\_\_\_\_  
#465726

BOARD ORDER No. 06-0005-PHR

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>Dennis Lambert</i></p>
<p>1. Article Addressed to:</p> <p><i>Dennis Lambert 4244 E. Kilmer St. Tulson, AZ 85711</i></p>	<p>B. Received by (Printed Name) <i>DENNIS LAMBERT</i></p> <p>C. Date of Delivery <i>2/28/06</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>
<p>2. Article Number (Transfer from service label) <i>7002 2030 0003 4785 7826</i></p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

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*Consent Agreement and Delivery Protection*

*2-27-06*

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 Street, Apt. No.,  
 or PO Box No. *4244 E. Kilmer St*  
 City, State, ZIP *Tulson AZ 85711*

PS Form 3830, June 2002 See Reverse for Instructions