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7 of Pharmacy

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

10 In the Matter of

11 **GARY SORENSEN, Pharm D**

12 Holder of License No. 13246
For the Practice of Pharmacy
13 In the State of Arizona

Board Case No. 06-0012-PHR

**CONSENT AGREEMENT
FOR SUSPENSION AND
PROBATION**

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") and under A.R.S. §§ 32 1901, *et. seq.* and 41 1092.07(F)(5), Gary
19 Sorensen, ("Respondent"), holder of Pharmacist License Number 13246 to practice
20 pharmacy in the State of Arizona, and the Board enter into the following Recitals,
21 Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final
22 disposition of this matter.

23 1. Respondent has read and understands this Consent Agreement and has had
24 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
25 opportunity to discuss this Consent Agreement with an attorney.
26

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. 3093 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. All admissions made by the Respondent in this Consent Agreement are
24 made solely for the final disposition of this matter, and any related administrative
25 proceedings or civil litigation involving the Board and Respondent. Therefore, any
26

1 admissions made by Respondent in this Consent Agreement are not intended for any
2 other use, such as in the context of another regulatory agency's proceedings, or civil or
3 criminal proceedings, whether in the State of Arizona or in any other state or federal
4 court.

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

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

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

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

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

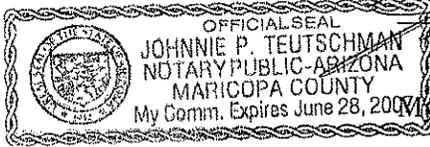
23 14. Respondent understands that any violation of this Consent Agreement
24 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
25 1901.01(B)(20), -1927(A)(1).

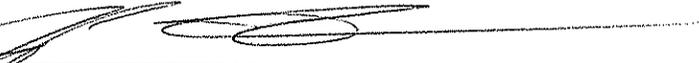
1 ACCEPTED AND AGREED BY RESPONDENT

2 
3 Gary Sorensen

Dated: 4/25/06

4 Subscribed and sworn to before me in the County of MARICOPA, State of ARIZONA,
5 this 25th day of APRIL, 2006, by Gary Sorensen.



6 
7 NOTARY PUBLIC
8 Commission expires: June 28, 2007

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10 **FINDINGS OF FACT**

- 11 1. The Arizona State Board of Pharmacy ("Board") is the duly constituted
- 12 authority for licensing and regulating the practice of pharmacy in the State of Arizona.
- 13 2. Gary Sorensen ("Respondent") is the holder of license number 13246 for
- 14 the practice of pharmacy in the State of Arizona.
- 15 3. At all times relevant to this action, Respondent was employed as a
- 16 Pharmacist for the John C. Lincoln North Mountain Hospital Pharmacy ("Pharmacy").
- 17 4. On or about January 14, 2006, when Hospital staff discovered an empty
- 18 Dilaudid box along with blood-soaked paper towels and syringe wrappers in the men's
- 19 restroom, the Pharmacy Director and Staff Pharmacist initiated an investigation.
- 20 5. On or about January 14, 2006, Respondent provided a urine sample to be
- 21 tested for the presence of controlled substances.
- 22 6. On January 20, Respondent contacted the Pharmacy Director to report that
- 23 he had admitted himself to substance abuse treatment facility because he had a substance
- 24 abuse problem. Respondent admitted that he had diverted Dilaudid from the Hospital
- 25 Pharmacy for his personal use.

1 directly or indirectly, or assisting in or abetting in the violation of, or conspiring to
2 violate [Arizona Revised Statutes, Title 32, chapter 18].”).

3 4. A pharmacist may not make or offer to make a forged, counterfeit, altered
4 or photocopied prescription or drug order for the purpose of obtaining prescription-only
5 or controlled substance drugs. A.R.S. § 32-1965(8).

6 5. The conduct and circumstances described above constitutes unprofessional
7 conduct pursuant to A.R.S. § 32-1901.01(B)(8) (“Committing a felony, whether or not
8 involving moral turpitude, or a misdemeanor involving moral turpitude or any drug-
9 related offense. In either case, conviction by a court of competent jurisdiction or a plea
10 of no contest is conclusive evidence of the commission.”).

11 6. A person commits theft if, without lawful authority, the person knowingly
12 controls another person’s property with the intent to deprive that other person of such
13 property. A.R.S. § 13-1802(A)(1). Theft of property with a value of one thousand
14 dollars or more but less than two thousand dollars is a class 5 felony. A.R.S. § 13-
15 1802(E). Theft is a crime of moral turpitude. *Du Vall v. Board of Medical Examiners of*
16 *Arizona*, 49 Ariz. 329, 339, 66 P.2d 1026, 1031 (1939); *State v. Superior Court of Pima*
17 *County*, 121 Ariz. 174, 175-76, 589 P.2d 48, 49-50 (App. 1978) (shoplifting involves
18 moral turpitude and bears a close relationship to the common law crime of larceny).

19 7. A person may not knowingly acquire or possess a prescription-only drug
20 unless the person obtains the prescription-only drug pursuant to a valid prescription of a
21 licensed prescriber. A.R.S. § 13-3406(A)(1). Furthermore, a person may not knowingly
22 obtain or procure the administration of a prescription-only drug by fraud, deceit,
23 misrepresentation or subterfuge. A.R.S. § 13-3406(A)(6). In either case, such illegal
24 acquisition, possession or procurement of a prescription-only drug is a class 1
25 misdemeanor. A.R.S. § 13-3406(B)(1). “The sale or dispensing or prescribing of
26

1 narcotic drugs, except for medicinal use and under strict surveillance, [involves] moral
2 turpitude.” *Du Vall*, 49 Ariz. at 337, 66 P.2d at 1030.

3 8. The conduct and circumstances described above constitutes unprofessional
4 conduct pursuant to A.R.S. § 32-1901.01(B)(1) (“Addiction to the use of alcohol or other
5 drugs to such a degree as to render the licensee unfit to practice the profession of
6 pharmacy.”).

7 9. The conduct and circumstances described above constitutes unprofessional
8 conduct pursuant to A.R.S. § 32-1901.01(B)(9) (“Working under the influence of alcohol
9 or other drugs.”).

10 ORDER

11 Based upon the above Findings of Fact and Conclusions of Law and under the
12 authority granted to the Board, under A.R.S. §§ 32 1928, 41 1092.07 (f)(5), and A.A.C.
13 R4-23-122 (c),

14 IT IS HEREBY ORDERED THAT Pharmacist License No. 13246, which was
15 issued to Gary Sorensen for the practice of Pharmacy in the State of Arizona, is hereby
16 placed on suspension for a period of not less than six (6) months but not more than one
17 (1) year effective March 3, 2006. The period of suspension shall be determined by the
18 Board after receiving a recommendation from the PAPA Steering Committee.
19 Thereafter, Respondent’s license shall be placed on probation for a period of at least four
20 (4) years, but not more than four and one-half (4.5) years from the final date of
21 suspension. Respondent’s disciplinary period under the suspension and probation shall
22 not exceed five (5) years, unless Respondent affirmatively fails to petition the Board to
23 terminate the probation in accordance with paragraph 10 below.

24 The suspension and probation are subject to the following conditions:
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1 1. Respondent shall immediately return his pharmacist license to the Board for
2 the period of suspension.

3 2. Respondent shall have signed a five (5) year contract with PAPA and abide
4 by each and every requirement of the PAPA contract. Failure to sign a PAPA contract or
5 abide by the PAPA contract's terms is a violation of this Order.

6 3. Respondent shall furnish all pharmacy employers with a copy of this Board
7 Order throughout the term of his probation.

8 4. Respondent shall not serve as a preceptor pharmacist or pharmacist in
9 charge throughout the term of his probation.

10 5. Respondent shall advise the Board immediately of any change in pharmacy
11 employment status throughout the term of his probation.

12 6. Respondent shall furnish the Board with a list of all jurisdictions in which
13 he maintains or has maintained licensure in the profession of pharmacy along with the
14 registration numbers of said licenses.

15 7. Respondent shall complete four hundred (400) hours of community service
16 approved by the Board staff before the termination of the probation period.

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

19 9. If Respondent violates this order in any way or fails to fulfill the
20 requirements of this order, the Board, after giving the respondent notice and the
21 opportunity to be heard, may revoke, suspend or take other disciplinary actions against
22 the Respondent's license. The issue at such a hearing will be limited solely to whether
23 this order has been violated.

24 10. Respondent shall appear before the Board at a regularly scheduled Board
25 meeting five years after the effective date of this Order to request that the probation
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1 imposed by this order be terminated. Respondent's failure to petition the Board to
2 terminate the probation shall extend the probation period.

3 DATED this 24th day of May, 2006.

4 ARIZONA STATE BOARD OF PHARMACY

5 (Seal)

6 By: 
7 HAL WAND, R.Ph.
Executive Director

8 ORIGINAL OF THE FORGOING FILED
9 this 26 day of May, 2006, with:

10 Arizona State Board of Pharmacy
4425 W. Olive Avenue, Suite 140
11 Glendale, Arizona 85302

12 EXECUTED COPY OF THE FOREGOING MAILED
BY CERTIFIED MAIL,
13 this 26 day of May, 2006, to:

14 Gary Sorensen
7344 N. 14th Drive
15 Phoenix, Arizona 85021
Respondent

16 EXECUTED COPY OF THE FOREGOING MAILED
17 this _____ day of _____, 2006, to:

18 Stephen Wolf
Assistant Attorney General
1275 W. Washington Street, CIV/LES
19 Phoenix, Arizona 85007
Attorneys for the State of Arizona

20 
21 _____
22 LES06-0258/#469375