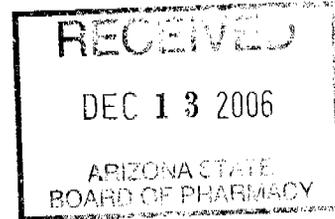


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8 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

9 In the Matter of

10 **KEVIN DENICK**

11 Holder of License No. 8392
12 For the Practice of Pharmacy
13 In the State of Arizona

07-0030-PHR.

**CONSENT AGREEMENT
FOR REINSTATEMENT OF
LICENSE 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),
19 Kevin Denick ("Respondent"), holder of Pharmacist License Number 8392 in the State
20 of Arizona, and the Board enter into the following Recitals, Findings of Fact,
21 Conclusions of Law and Order ("Consent Agreement") as a final disposition of this
22 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 rights 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 Case
12 No. 3241 involving allegations of unprofessional conduct against Respondent. The
13 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 pro-
25 ceedings or civil litigation involving the Board and Respondent. Therefore, any admis-
26

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

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

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

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

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

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

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

25

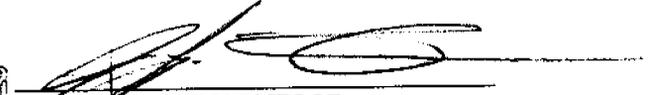
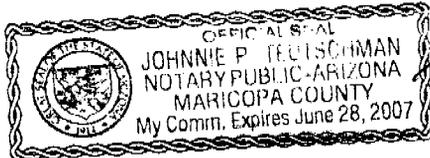
26

1 ACCEPTED AND AGREED BY RESPONDENT

2 
3 Kevin Denick

Dated: 12/12/06

4 Subscribed and sworn to before me in the County of MARICOPA, State of ARIZONA,
5 this 12th day of December, 2006, by Kevin Denick.

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

9
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. Kevin Denick ("Respondent") is the holder of license number 8392
14 to practice as a pharmacist in the State of Arizona. On November 17, 2005, the Board
15 voted to revoke Respondent's license to engage in the practice of Pharmacy.
- 16 3. Respondent had previously entered into a PAPA agreement on May 17,
17 2002, but failed to comply with the terms of that agreement. The PAPA agreement is
18 scheduled to terminate on May 17, 2007.
- 19 4. At the time of formal hearing on November 17, 2005, Respondent
20 admitted to all of the allegations in the Complaint and Notice of Hearing.
- 21 5. On May 25, 2006, Respondent requested that the Board reinstate his
22 license to engage in the practice of Pharmacy. The Board denied Respondent's request at
23 this meeting, due to the fact that Respondent had not been successful with prior
24 agreements and appeared to have a problem with personal judgments.

1 **ORDER**

2 Based upon the above Findings of Fact and Conclusions of Law and under the
3 authority granted to the Board by A.R.S. §§ 32-1928, 41-1092.07(F)(5), and A.A.C. R4-
4 23-122 (c), IT IS HEREBY ORDERED THAT Respondent, Kevin Denick's license to
5 engage in the practice of Pharmacy is hereby REINSTATED. Respondent's reinstated
6 license is immediately placed on PROBATION for a period of five (5) years from the
7 effective date of this Order. During the term of PROBATION, Respondent shall
8 complete the following terms and conditions:

- 9 a. Respondent shall not engage in the practice of pharmacy without
10 having a supervising pharmacist on site. The supervising pharmacist
11 shall first be approved by the Executive Director. Respondent shall
12 bear all costs associated with attaining and maintaining a supervising
13 pharmacist.
- 14 b. Respondent shall not act as the Pharmacist in Charge at any facility
15 and/or environment.
- 16 c. Respondent shall complete all the terms of the PAPA agreement
17 entered into on .
- 18 d. Respondent shall take and pass the MPJE.
- 19 e. Respondent shall advise the Board immediately of any change in
20 pharmacy employment status throughout the term of his probation.
- 21 f. Respondent shall furnish the Board with a list of all jurisdictions in
22 which he maintains or has maintained licensure in the profession of
23 pharmacy along with the registration numbers of said licenses.
- 24 g. Respondent shall obey all federal and state laws and rules governing
25 the practice of pharmacy.
26

1 H. Respondent shall appear before the Board at a regularly scheduled
2 meeting after the terms of probation are met to request that the
3 probation imposed by this Order be terminated. Respondent's failure
4 to petition the Board to terminate the probation shall extend the
5 probation period.

6 DATED this 25 day of January, 2007

ARIZONA STATE BOARD OF PHARMACY

8 (Seal)

9 By: Hal Wand
10 HAL WAND, R.Ph.
11 Executive Director

12 ORIGINAL OF THE FORGOING FILED
13 this 25 day of January, 2007 with:

14 Arizona State Board of Pharmacy
15 4425 W. Olive Avenue, Suite 140
16 Glendale, Arizona 85302

16 EXECUTED COPY OF THE FOREGOING MAILED
17 BY REGULAR MAIL
18 this 25 day of January 2007 to:

18 Kevin Denick
19 6902 E. Continental
20 Scottsdale, Arizona

21 486224

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. 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. 	<p>A. Signature <u>[Signature]</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by: <u>[Signature]</u> Date of Delivery <u>[Date]</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p><u>Kevin Denick</u> <u>6902 E. Continental</u> <u>Scottsdale AZ 85257</u></p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

