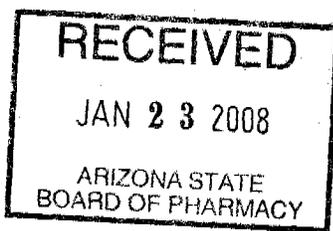


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6 Fax: (602) 364-3202



7 Attorneys for the Arizona State Board of Pharmacy

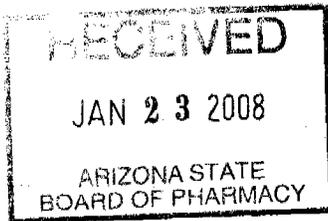
8 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

9
10 In the Matter of
11 **BRANDON KENDRICK**
12 Holder of License No. 11274
13 As a Pharmacy Technician
14 In the State of Arizona

Board Case No. 08-0004-PHR
**CONSENT AGREEMENT
FOR PROBATION**

15
16 **RECITALS**

17 In the interest of a prompt and judicious settlement of this case, consistent with the
18 public interest, statutory requirements and the responsibilities of the Arizona State Board
19 of Pharmacy ("Board") and under A.R.S. §§ 32-1901, *et. seq.* and 41-1092.07(F)(5),
20 Brandon Kendrick ("Respondent"), holder of Pharmacy Technician License Number
21 11274 in the State of Arizona, and the Board enter into the following Recitals, Findings
22 of Fact, Conclusions of Law and Order ("Consent Agreement") as a final disposition of
23 this matter.
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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.

5. Respondent understands this Consent Agreement deals with Board Complaint No. 3370 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 currently pending before the Board, if any, and does not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any other pending or future investigation, action or proceeding.

7. 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.

1 8. All admissions made by the Respondent in this Consent Agreement are
2 made solely for the final disposition of this matter, and any related administrative
3 proceedings or civil litigation involving the Board and Respondent. Therefore, any
4 admissions made by Respondent in this Consent Agreement are not intended for any
5 other use, such as in the context of another regulatory agency's proceedings, or civil or
6 criminal proceedings, whether in the State of Arizona or in any other state or federal
7 court.

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

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

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

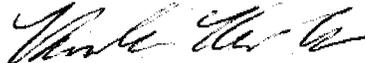
19 12. Respondent understands and agrees that if the Board does not adopt this
20 Consent Agreement, he will not assert as a defense that the Board's consideration of this
21 Consent Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

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

26

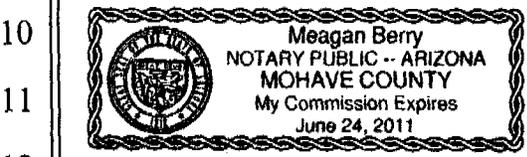
1 14. Respondent understands that any violation of this Consent Agreement
2 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
3 1901.01(C)(16), -1927.01(A)(1).

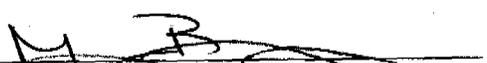
4 ACCEPTED AND AGREED BY RESPONDENT

5
6 
7 _____
8 Brandon Kendrick

Dated: 1/16/08

8 Subscribed and sworn to before me in the County of Mohave, State of Arizona
9 this 10 day of January, 2008 by Brandon Kendrick.



10 
11 _____
12 NOTARY PUBLIC

13 My Commission expires: June 24, 2011

14 **FINDINGS OF FACT**

15 1. The Arizona State Board of Pharmacy ("Board") is the duly constituted
16 authority for licensing and regulating the practice of pharmacy in the State of Arizona.

17 2. Brandon Kendrick ("Respondent") holds Arizona Pharmacy Technician
18 License Number 11274.

19 3. During all times relevant to this Complaint, Respondent was employed as a
20 pharmacy technician at the Maricopa Medical Center Hospital Pharmacy ("Pharmacy") in
21 Phoenix, Arizona.

22 4. On April 7 and April 8, 2007, Pharmacy staff noted that Respondent was
23 displaying unusual behavior. When Respondent returned to work on April 10, 2007, the
24 pharmacist in charge sent Respondent for a drug screen.

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1 drugs, controlled substances or precursor chemicals when determined by the board or by
2 conviction in a federal or state court).

3 **ORDER**

4 Based upon the above Findings of Fact and Conclusions of Law, the Board and
5 Respondent agree as follows:

6 IT IS HEREBY ORDERED THAT License No. 11274, which was issued to
7 Brandon Kendrick to practice as a Pharmacy Technician in the State of Arizona, is
8 hereby placed on **PROBATION** for a minimum period of eighteen (18) months, subject
9 to the successful and timely completion of ALL of the following terms and conditions:

10 1. Respondent shall participate in a substance abuse treatment program with
11 either the Treatment Assessment Screening Center, Inc. ("TASC") or ACT - Counseling
12 and Education. Whichever program is chosen, Respondent shall furnish the provider
13 with a copy of this Board Order; shall require the provider to verify to the Board in
14 writing that they have received a copy of the Order; and shall authorize and require the
15 provider to submit quarterly progress reports to the Board addressing compliance and
16 progress. Failure to successfully fulfill the program's requirements is a violation of this
17 Order.

18 2. Respondent shall provide the program administrator with a list of all
19 prescription and over-the-counter ("OTC") medications that he is taking. In the case of
20 prescription medications, Respondent shall provide the administrator with a copy of the
21 prescription; and, in the case of narcotics, verification from an addictionologist.

22 3. Whichever program is chosen by Respondent, Respondent shall participate
23 in monthly counseling classes, as well as attend any required self-help group meetings.

1 4. Within ten days of the effective date of this order, Respondent shall enroll
2 and participate in a 12-panel screen random urinalysis testing schedule, wherein
3 Respondent is tested not less than two times per month.

4 5. Respondent shall provide monthly reports to the Board regarding his
5 progress in the program, as well as sign any releases to provide the Board with
6 information regarding his progress in the program.

7 6. Respondent shall bear all costs of compliance with this Order, including all
8 costs associated with counseling and urinalysis testing.

9 7. Within ten days of the effective date of this order, or within ten days of the
10 start of any new employment during the term of his probation, Respondent shall furnish
11 all pharmacy or pharmacy related employers with a copy of this Board Order as shall
12 require each employer to verify to the Board in writing that they have received a copy of
13 the Order.

14 8. Respondent shall advise the Board immediately of any change in
15 employment status throughout the term of his probation.

16 9. Within ten days of the effective date of this order, Respondent shall furnish
17 the Board with a list of all jurisdictions in which he maintains or has maintained licensure
18 as a pharmacy technician with the registration numbers of said licenses.

19 10. Respondent shall obey all federal and state laws, including all statutes and
20 rules governing the practice as a pharmacy technician.

21 11. When requested by the Board, Respondent shall appear in person before the
22 board to respond to questions or concerns regarding his compliance with this Order.

23 12. If Respondent violates this order in any way or fails to fulfill or timely
24 complete any of the requirements of this Order, the Board, after giving the Respondent
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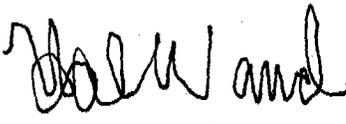
1 notice and the opportunity to be heard, shall revoke Respondent's license. The issue at
2 such a hearing will be limited solely to whether this Order has been violated.

3 13. Respondent shall appear before the Board at a regularly scheduled Board
4 meeting eighteen (18) months after the effective date of this Order to request that the
5 probation imposed by this order be terminated. Respondent's failure to petition the
6 Board to terminate the probation shall extend the probation period.

7
8 DATED this 25th day of January, 2007.

10 ARIZONA STATE BOARD OF PHARMACY

11 (Seal)

12 By: 
13 HAL WAND, R.Ph.
14 Executive Director
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1 ORIGINAL OF THE FORGOING FILED
this 28 day of Jan., 2008, with:

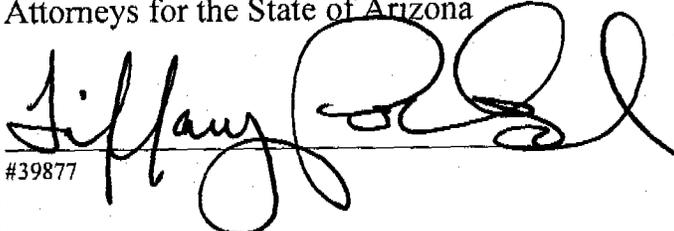
2 Arizona Board of Pharmacy
3 1700 W. Washington Street, Suite 250
4 Phoenix, Arizona 85007

5 EXECUTED COPY OF THE FOREGOING MAILED
BY CERTIFIED MAIL
this 28 day of Jan., 2008, to:

6 Brandon Kendrick
7 2156 E. Rosarita Drive
8 Tempe, AZ 85281
9 Respondent

10 EXECUTED COPY OF THE FOREGOING MAILED
this 28 day of Jan., 2008, to:

11 Elizabeth A. Campbell
12 Assistant Attorney General
13 1275 W. Washington Street, CIV/LES
14 Phoenix, Arizona 85007
15 Attorneys for the State of Arizona

16 
17 #39877

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. 	A. Signature <input checked="" type="checkbox"/> <i>Tiffany</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: <p><i>Brandon Kendrick</i> <i>2156 E</i> <i>Tempe</i></p> <p>KEND156 852812098 1507 29 10/23/07 NOTIFY SENDER OF NEW ADDRESS KENDRICK BRANDON M 3911 HUNGRY HORSE DR LAKE HAVASU CITY AZ 86406-7308</p>	B. Received by (Printed Name) <i>Brandon Kendrick</i>
	C. Date of Delivery <i>10/23/07</i>
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
2. Article Number (Transfer from service label) PS Form 3811, February 2004	 7007 0750 0001 0490 8757 Domestic Return Receipt 102595-02-M-1540