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

9
10 In the Matter of,

11 **HEARTLAND HOME INFUSION,**
12 Holder of Nonresident Pharmacy Permit
No. Y004935 in the State of Arizona

Board Case No. 10-0024-PHR

**CONSENT AGREEMENT
FOR CIVIL PENALTY**

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14 In the interest of a prompt and judicious settlement of this case, consistent with the
15 public interest, statutory requirements and the responsibilities of the Arizona State Board
16 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Heartland Home Infusion,
17 holder of Nonresident Pharmacy Permit Number Y004935 in the State of Arizona
18 ("Respondent"), and the Board enter into the following Recitals, Findings of Fact,
19 Conclusions of Law and Order ("Consent Agreement") as a final disposition of this
20 matter.

21 **RECITALS**

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

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1 2. Respondent understands that it has a right to a public administrative hearing
2 concerning the above-captioned matter, at which hearing it could present evidence and
3 cross examine witnesses. By entering into this Consent Agreement, Respondent
4 knowingly and voluntarily relinquishes all right to such an administrative hearing, as well
5 as rights of rehearing, review, reconsideration, appeal, judicial review or any other
6 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 its.

11 5. Respondent understands this Consent Agreement deals with Board
12 Complaint No. 3706 involving allegations of unethical 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. Respondent acknowledges and agrees that, upon signing this Consent
24 Agreement and returning this document to the Board's Executive Director, it may not
25 revoke its acceptance of the Consent Agreement or make any modifications to the
26

1 document regardless of whether the Consent Agreement has been signed by the
2 Executive Director. Any modification to this original document is ineffective and void
3 unless mutually agreed by the parties in writing.

4 9. This Consent Agreement is subject to the approval of the Board and is
5 effective only when accepted by the Board and signed by the Board's Executive Director.
6 In the event that the Board does not approve this Consent Agreement, it is withdrawn and
7 shall be of no evidentiary value and shall not be relied upon nor introduced in any action
8 by any party, except that the parties agree that should the Board reject this Consent
9 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the
10 Board was prejudiced by its review and discussion of this document or any records
11 relating thereto.

12 10. 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 11. Respondent understands that this Consent Agreement is a public record that
16 may be publicly disseminated as a formal action of the Board and may be reported as
17 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
18 Protection Data Bank.

19 12. Respondent understands that any violation of this Consent Agreement
20 constitutes unethical conduct and may result in disciplinary action. A.R.S. §§ 32-
21 1901.01(A)(19), -1927.02(A)(1).

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1 ACCEPTED AND AGREED BY RESPONDENT

2 Neil Stanton
3 _____, on behalf of
Heartland Home Infusion

Dated: 11/3/2009

4 Subscribed and sworn to before me in the County of DUPAGE State of ILLINOIS,
5 this 3rd day of NOVEMBER, 2009, by NEIL STANTON, V.P. on behalf of Heartland Home
6 Infusion.



7 Joanne L. Tagtmeier
8 _____
NOTARY PUBLIC
9 My Commission expires: 12/09/2012

10 **FINDINGS OF FACT**

11 1. The Board is the duly constituted authority for licensing and regulating the
12 practice of pharmacy in the State of Arizona.

13 2. Respondent is the holder of Nonresident Pharmacy Permit Number
14 Y004935 allowing it to sell or distribute narcotics, other controlled substances,
15 prescription-only drugs and devices, nonprescription drugs, precursor chemicals, and
16 regulated chemicals into Arizona.

17 3. Respondent has failed to designate an Arizona-licensed pharmacist-in-
18 charge as required by Arizona Administrative Code ("A.A.C.") R4-23-607(A)(4).
19

20 **CONCLUSIONS OF LAW**

21 1. The Board possesses jurisdiction over the subject matter and over
22 Respondent pursuant to A.R.S. § 32-1901 *et seq.*

23 2. The Board may discipline a permittee who has engaged in unethical
24 conduct. A.R.S. § 32-1927.02(A)(1).
25
26

1 DATED this 19th day of November, 2009.

2 ARIZONA STATE BOARD OF PHARMACY

3 (Seal)

4
5 By: 
6 HAL WAND, R.Ph.
7 Executive Director

8
9
10
11 ORIGINAL OF THE FORGOING FILED
12 this 20 day of November, 2009, with:

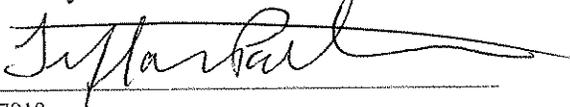
13 Arizona State Board of Pharmacy
14 1700 West Washington, Suite 250
15 Phoenix, Arizona 85007

16 EXECUTED COPY OF THE FOREGOING MAILED
17 BY CERTIFIED MAIL
18 this 20 day of November, 2009, to:

19 Heartland Home Infusion
20 500 E. Ogden Ave., Suite D
21 Hinsdale, IL 60521
22 Respondent

23 EXECUTED COPY OF THE FOREGOING MAILED
24 this 20 day of November, 2009, to:

25 Elizabeth A. Campbell
26 Assistant Attorney General
1275 W. Washington Street, CIV/LES
Phoenix, Arizona 85007
Attorney for the State of Arizona


#577918