

1 **ARIZONA STATE BOARD OF PHARMACY**  
2 **1700 W. Washington Street, Room 250**  
3 **Phoenix, Arizona 85007**  
4 **(602) 771-2727**

5 In the Matter of:

6 **JEFFREY McKINNEY,**

7 Holder of Pharmacy Technician License  
8 Number T008347 in the State of Arizona

**FINDINGS OF FACT, CONCLUSIONS  
of LAW and BOARD ORDER  
No. 10-0062-PHR**

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10 Pursuant to Notice of Hearing Number 10-0062-PHR (Notice) this matter came before  
11 the Arizona State Board of Pharmacy (Board) on September 16, 2010.

12  
13 Zina Berry, president, presided with members JoAnne Galindo, Dennis McAllister, Dan  
14 Milovich, Steve Haiber, Kyra Locnikar, and Tom Van Hassel in attendance.

15  
16 The State was represented by the Office of the Attorney General, Elizabeth Campbell,  
17 Assistant Attorney General, Licensing and Enforcement Section. Mary Jo Foster, of the  
18 Solicitor General's Section of the Attorney General's Office was present to provide  
19 independent legal advice to the Board. Jeffrey McKinney, (Respondent) was not present and  
20 was not represented by an attorney. The Board, after considering the testimony and evidence  
21 presented, hereby issues the following Findings of Fact, Conclusions of Law, and Order.  
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23

24 **FINDINGS OF FACT**

- 25  
26 1. On April 16, 2009, Respondent signed a Consent Agreement Reinstating Pharmacy  
27 Technician License with Probation in Board Case No. 09-0049-PHR (the "2009  
28 Consent Agreement"). The 2009 Consent Agreement became effective on May 7,  
29 2009.

- 1 2. The 2009 Consent Agreement placed Respondent's reinstated license on probation and  
2 required, among other things, that Respondent undergo random urinalysis testing not  
3 less than two times per month when not working in a pharmacy and not less than four  
4 times per month when working in a pharmacy. 2009 Consent Agreement at 5, ¶2.  
5 Respondent was required to test through Treatment Assessment Screening Center  
6 ("TASC"). *Id.* The 2009 Consent Agreement further stated that Respondent must  
7 authorize and require TASC to submit test results directly to the Board. *Id.*  
8
- 9 3. Respondent has failed to submit to urinalysis testing as required by the 2009 Consent  
10 Agreement and is in violation of the 2009 Consent Agreement. The Board has not  
11 received test results from TASC since October 30, 2009.  
12

### CONCLUSIONS of LAW

- 14 1. The Board possesses jurisdiction over the subject matter and over Respondent pursuant  
15 to A.R.S. § 32-1901 *et seq.*
- 16 2. Pursuant to A.R.S. § 32-1927.01(A)(1), the Board may discipline a pharmacy  
17 technician who has engaged in unprofessional conduct.  
18
- 19 3. The conduct and circumstances described above constitutes unprofessional conduct  
20 pursuant to A.R.S. § 32-1901.01(C)(16) (Violating a formal order, terms of probation, a  
21 consent agreement or a stipulation issued or entered into by the Board or its executive  
22 director).  
23

### ORDER

24  
25 In view of the above Findings of Fact and Conclusions of Law, the Board issues the  
26 following Order:  
27

28 The pharmacy technician license issued to Jeffrey McKinney is hereby revoked.  
29



1 **COPIES** of the foregoing mailed this *2* day of September, 2010, to:

2 Elizabeth Campbell,  
3 Assistant Attorney General

4 and

5  
6 Mary Jo Foster,  
7 Assistant Attorney General,  
8 Solicitors Office

9 Both located at  
10 1275 W. Washington  
11 Phoenix, AZ 85007

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