

1 TERRY GODDARD
Attorney General
2 Firm State Bar No. 14000

3 ELIZABETH A. CAMPBELL
Assistant Attorney General
4 State Bar No. 018311
1275 W. Washington, CIV/LES
5 Phoenix, Arizona 85007-2997
Tel: (602) 542-7681
6 Fax: (602) 364-3202
Attorneys for the Arizona State Board of Pharmacy
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8 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

9 In the Matter of

10
11 **MICHAEL GALLOTTE,**
12 Applicant for Licensure as a
Pharmacist

Board Case No. 11-0017-PHR

**CONSENT AGREEMENT ORDER
FOR LICENSE WITH PROBATION**

13 5018182

14 **CONSENT AGREEMENT**

15 As Michael Gallotte (“Applicant”) has made application to the Arizona State
16 Board of Pharmacy (the “Arizona Board”) for licensure as a pharmacist by reciprocity
17 and, consistent with the public interest, statutory requirements and the responsibilities of
18 the Arizona Board under A.R.S. § 32-1901, *et. seq.*, the Arizona Board and Applicant
19 enter into the following Recitals, Findings of Fact, Conclusions of Law and Order
20 (“Consent Agreement”) for licensure with probation.

21 **RECITALS**

22 1. Applicant 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. Applicant understands that he has a right to a public administrative hearing
2 concerning this matter, at which hearing he could present evidence and cross examine
3 witnesses. By entering into this Consent Agreement, Applicant knowingly and
4 voluntarily relinquishes all right to an administrative hearing, as well as all rights of
5 rehearing, review, reconsideration, appeal, judicial review or any other administrative
6 and/or judicial action, concerning the matters set forth herein.

7 3. Applicant affirmatively agrees that this Consent Agreement shall be
8 irrevocable.

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

15 5. Applicant understands that the Consent Agreement shall not become
16 effective unless and until signed by the Arizona Board's Executive Director.

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

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

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1 for a period of ten years with the requirement that Applicant participate in Mississippi's
2 pharmacist recovery program.

3 5. In August 2002, Applicant's Mississippi pharmacist license was
4 revoked when Applicant failed to comply with the requirements of the Mississippi
5 recovery program.

6 6. On November 18, 2009, Applicant's Mississippi pharmacist license
7 was reinstated and placed on probation for ten years with the requirement that Applicant
8 participate in Mississippi's pharmacist recovery program while on probation.

9 7. In view of Applicant's multiple years of recovery, at the Arizona
10 Board's July 2010 Board Meeting, the Arizona Board voted to license Applicant subject
11 to certain conditions.

12 CONCLUSIONS OF LAW

13 1. The Arizona Board possesses jurisdiction over the subject matter and over
14 Applicant pursuant to A.R.S. § 32-1901 *et seq.*

15 2. The Arizona Board, having weighed all of the above factors and determined
16 to its satisfaction that, despite the actions taken with regard to Applicant's Mississippi
17 and Louisiana licenses and his history of substance abuse, Applicant currently meets the
18 requirements for licensure under A.R.S. § 32-1922, subject to the terms of this Consent
19 Agreement.

20 ORDER

21 Based upon the above Findings of Fact and Conclusions of Law, IT IS HEREBY
22 ORDERED AS FOLLOWS:

23 1. Upon successful completion of the MPJE, Applicant is issued a license to
24 practice as a pharmacist in Arizona; and
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1 2. Applicant's license is immediately placed on PROBATION until
2 November 18, 2019. During the term of PROBATION, Applicant shall complete the
3 following terms and conditions:

4 a. Applicant shall comply with all terms of the November 18, 2009,
5 order from the Mississippi Board of Pharmacy. Any noncompliance with the
6 Mississippi Board of Pharmacy order constitutes noncompliance with this Consent
7 Agreement. Throughout the term of Applicant's probation with the Arizona
8 Board, Respondent must continue to actively participate in the Mississippi
9 Association of Recovering Pharmacists except as provided in paragraph 2(c)
10 below.

11 b. Applicant shall notify the Arizona Board immediately if any
12 disciplinary action is taken against his Mississippi license.

13 c. In the event Applicant should ever move to Arizona, he must sign a
14 contract with Pharmacists Assisting Pharmacists of Arizona ("PAPA") within ten
15 days of relocating to Arizona or before working as a pharmacist in Arizona,
16 whichever is sooner. Respondent's PAPA contract shall extend through the
17 remainder of Respondent's probation with the Arizona Board and until
18 Respondent's probation is terminated by the Arizona Board as set forth in
19 paragraph 5 below. Respondent shall successfully complete the PAPA program
20 and abide by each and every requirement of the PAPA contract. Failure to
21 complete the PAPA program or abide by the PAPA contract's terms is a violation
22 of this Order.

23 3. If Applicant violates this order in any way or fails to fulfill the
24 requirements of this order, the Arizona Board, after giving the respondent notice and the
25 opportunity to be heard, may revoke, suspend or take other disciplinary actions against
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1 the license. The issue at such a hearing will be limited solely to whether this order has
2 been violated.

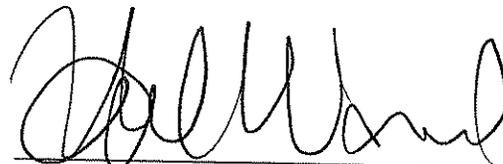
3 4. Applicant shall pay all costs associated with complying with this Consent
4 Agreement.

5 5. No sooner than November 18, 2019, Applicant shall request in writing that
6 the Arizona Board terminate his probation. Applicant's request for termination will be
7 considered at a regularly scheduled Arizona Board meeting. Applicant is required to
8 personally appear at that Arizona Board meeting. Applicant's probationary period will
9 continue until Applicant's request for termination is received and the Arizona Board
10 terminates the probation.

11 DATED this 15th day of September, 2010.

12 ARIZONA STATE BOARD OF PHARMACY

13 (Seal)

14 By: 
15 HAL WAND, R.Ph.
16 Executive Director

17 ORIGINAL OF THE FORGOING FILED
18 this 16 day of Sept, 2009, with:

19 Arizona State Board of Pharmacy
1700 West Washington, Suite 250
Phoenix, Arizona 85007

20 EXECUTED COPY OF THE FOREGOING MAILED
21 this 16 day of Sept, 2009, to:

22 Michael Gallotte
1759 Medical Park Dr., Suite G
Biloxi, MS 39532

8056 HIGHWAY 49
GULFPORT MS 39501

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