

File: D/6
84-9-H1

BEFORE THE ARIZONA STATE BOARD OF PHARMACY

In the Matter of the Hearing to)
Determine Whether or Not to Revoke,)
Suspend, or Place on Probation the) NOTICE OF HEARING
Certificate of Registration Number)
7404, censure or fine Sidney F.) No. 84 - 9 - H
Young.)

DIRECTED TO: Sidney F. Young
6333 N. 37th Ave.
Phoenix, AZ 85019

This Notice of Hearing is prepared pursuant to the requirements established by A.R.S. § 32-1928 and A.C.R.R. R4-23-104.

JURISDICTION

I

For the reasons stated hereinbelow, and pursuant to A.R.S. § 32-1928 the Board of Pharmacy will conduct a hearing at 9:15 a.m., the 13th day of November, 1984, at the SunBurst Resort Hotel, 4925 N. Scottsdale Road, Scottsdale, Arizona to determine whether or not Certificate of Registration No. 7404 issued to Sidney F. Young should be revoked, suspended, or placed on probation, censored or fined.

PARTIES

II

The Arizona State Board of Pharmacy is that body created and empowered pursuant to A.R.S. § 32-1904 to administer the laws of the State of Arizona relating to the practice of pharmacy.

III

Sidney F. Young is the holder of Certificate of Registration No. 7404, which allows him to engage in the practice of Pharmacy in the State of

Arizona, and was between the date of August 26, 1983 and November 29, 1983 was employed as a pharmacist at SuperX Drug AZ-2, 2801 N. Scottsdale Rd., Scottsdale, AZ (hereinafter referred to as SuperX AZ-2).

CHARGES

IV

- A. On or about August 26, 1983, Sidney F. Young altered prescription order 08577 at SuperX, AZ-2 to obtain Percodan, a narcotic drug which is a controlled substance (defined in A.R.S. § 36-2513) by fraud or deceit, in violation of A.R.S. § 13-3406.A.4.
- B. On or about September 17, 1983, Sidney F. Young altered prescription order 08611 at SuperX, AZ-2 to obtain Percodan, a narcotic drug which is a controlled substance, (defined in A.R.S. § 36-2513) by fraud or deceit, in violation of A.R.S. § 13-3406.A.4.
- C. Between August 26, 1983 and November 29, 1983, Sidney F. Young, by his own admission, on numerous occasions, has removed approximately 100 tablets of Percodan, a controlled substance (defined in A.R.S. 36-2513) from SuperX, AZ-2 for personal use without a prescription order in violation of A.R.S. § 36-2525.B.
- D. On October 14, 1983, Sidney F. Young failed, at SuperX, AZ-2, to properly dispense prescription order 08650 to Department of Public Safety Officer, Lee Stepherson, in that only nine (9) of ten (10) Percodan tablets, a narcotic drug which is a controlled substance (defined in A.R.S. § 36-2513) were dispensed in violation of A.R.S. § 36-2523 and 21 C.F.R. § 1304.21(a).

CAUSE OF ACTION

V

A.R.S. § 32-1927.A provides that the Certificate of Registration of

any pharmacist may be revoked, suspended or placed on probation by the board when:

9. The registrant is found by the board to be guilty of violating any Arizona or federal law, rule or regulation relating to the manufacture and distribution of drugs and devices or the practice of pharmacy, to such a degree as to render such registrant unfit, in the opinion of the board, to practice the profession of pharmacy.

VI

A.R.S. § 32-1927.B provides that the Certificate of Registration of any pharmacist may be revoked or suspended or the pharmacist may be placed on probation or censured a fine civil penalty of not more than five hundred dollars for each offense may be imposed by the Board when:

2. The registrant is found by the board, or is convicted in a federal or state court, of having violated federal or state laws or regulations pertaining to marijuana, prescription only drugs, narcotics, dangerous drugs or controlled substances.

Sidney F. Young is directed to mail to the Board no later than the 30th day of October, 1984, a written response to the charges described above, specifically his defenses, assertions, or comments concerning such charges.

Sidney F. Young is notified that he may appear, with or without the assistance of an attorney, on the date and at the time and place specified in this Notice of Hearing and present testimony and argument in support of his defense with respect to the assertions contained in this Notice of Hearing.

If the respondent fails to appear, the Board may proceed and determine the matter in his absence.

Sidney F. Young is further notified that no continuance will be granted unless a request for continuance is submitted to the Board in writing, detailing the reasons for the requested continuance, and that

request is granted by the Board. Except in the event of an emergency, a request for continuance shall be submitted to the Board no later than seven (7) days prior to the date of hearing.

DATED this 6th day of September, 1984.

ARIZONA STATE BOARD OF PHARMACY

S E A L

By John P. Street
John P. Street
Executive Secretary

Copies of the Foregoing Notice of Hearing mailed by certified mail this 6th day of September, 1984, to:

Sidney F. Young
6333 N. 37th Ave.
Phoenix, AZ 85019

And by Courier Mail to:

Steve Glaser
Assistant Attorney General
1275 W. Washington
Phoenix, AZ 85007
Attorney for the State.

P 663 125 403

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

* U.S.G.P.O. 1983-403-517

Sent to Sidney F. Young	
Street and No. 6333 N. 37th Ave.	
P.O., State and ZIP Code Phoenix, AZ. 85019	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	
Return receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date Mailed: 4-25-85	
Board Order: 84-9-H	

Form 3811, July 1982

PS Form 3800, Feb. 1982

6333 N. 37th Ave.
Phoenix, AZ. 85019

4. TYPE OF SERVICE:		ARTICLE NUMBER
<input type="checkbox"/> REGISTERED	<input type="checkbox"/> INSURED	P 663 125 403
<input type="checkbox"/> CERTIFIED	<input type="checkbox"/> COD	
<input type="checkbox"/> EXPRESS MAIL		
(Always obtain signature of addressee or agent)		

I have received the article described above.

SIGNATURE Addressee Authorized agent

5. DATE OF DELIVERY 4/26

POSTMARK (only to be used if requested)
APR 26 1985
SASH

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

RETURN RECEIPT