

File: H
87-1-OR1

BEFORE THE ARIZONA STATE BOARD OF PHARMACY

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|---------------------------------------|--------------------|
| In the Matter of the Hearing to) | FINDINGS OF FACT |
| Determine Whether or Not to Revoke,) | CONCLUSIONS OF LAW |
| Suspend, or Place on Probation the) | AND ORDER |
| Certificate of Registration Number) | |
| 4751 censure or fine STEPHEN M.) | No. 87 - 1 - OR |
| YOUNGGREN) | |

DIRECTED TO: STEPHEN M. YOUNGGREN
Catalina Plaza Pharmacy
16150 North Oracle
Tucson, AZ. 85738.

This matter came before the Arizona State Board of Pharmacy for hearing on the 23rd day of June, 1987, pursuant to Complaint and Notice of hearing No. 87-1-H (hereinafter referred to as "Complaint"), attached to and made a part of this order. Danny Jacob, vice president, presided, with Al "Sumner" Brooks, president, and members Martha E. Barron, Paula Bickett, Simon J. Eisenberg, Norma McConnell, and Michael Noel in attendance and participating therein.

The State was represented by the office of the Attorney General, Sarah Bailey Assistant Attorney General. The respondent, STEPHEN M. YOUNGGREN was present and was represented by counsel, Phillip H. Larriva.

The Board, after consideration of the evidence and testimony presented, hereby makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

I

STEPHEN M. YOUNGGREN is a pharmacist holding Certificate of Registration No. 4751 issued by the Board under A.R.S. § 32-1922.

II

A. On February 26, 1986 Stephen M. Younggren, did issue and dispense Rx #54356 for 8 fluid ounces (240 ml) of Tussionex Suspension to his mother, Beth

- 1 Younggren, without a medical practitioner's prescription, in violation of
2 §A.R.S. 1968 and §A.R.S. 36-2525.D; and CFR 21-1306.21, and CFR 21-1306.04.
- 3 B. Between March 1, 1986 and March 29, 1986 Stephen M. Younggren did refill
4 Rx #54356 for 8 fluid ounces (240 ml) of Tussionex Suspension 5 times without
5 authorization from a medical practitioner in violation of §A.R.S. 1968: and
6 §A.R.S. 36-2525.D; and CFR 21-1306.22 and CFR 21-1306.04.
- 7 C. On May 3, 1986 Stephen M. Younggren did issue and dispense Rx #55632 for
8 16 fluid ounces (480 ml) of Tussionex Suspension to his mother, Beth
9 Younggren, without a medical practitioner's prescription, in violation of
10 §A.R.S. 1968 and §A.R.S. 36-2525.D; and CFR 21-1306.21 and CFR 21-1306.04.
- 11 D. Between May 14, 1986 and July 31, 1986, Stephen M. Younggren did refill
12 Rx #55632 for 16 fluid ounces (480 ml) of Tussionex Suspension 5 times without
13 the medical practitioner's authorization §A.R.S. 1968 and §A.R.S. 36-2525.D;
14 and CFR 21-1306.22, and CFR 21-1306.04.
- 15 E. Between August 1, 1986, and October 29, 1986, Stephen M. Younggren,
16 responsible pharmacist was responsible for excessive shortage of 674.83 fluid
17 ounces (20,245 ml) of Tussionex Suspension in violation of §A.R.S. 36-2523 and
18 §A.R.S. 36-2525.D.
- 19 F. Between August 1, 1986 and October 29, 1986, Stephen M. Younggren,
20 responsible pharmacist was responsible for excessive shortage of 300 Tussionex
21 Tablets in violation of §A.R.S. 36-2523, §A.R.S. 36-2525.D, §A.R.S.
22 36-2531.A.1, and §A.R.S. 36-2531.A.3.
- 23 G. Between August 1, 1986 and October 29, 1986, Stephen M. Younggren,
24 responsible pharmacist was responsible for excessive shortage of 100 Bancap
25 H.C. Tablets, in violation of §A.R.S. 36-2523, §A.R.S. 36-2525.D, §A.R.S.
26 36-2531.A.1, and §A.R.S. 36-2531.A.3.

1 H. Between August 1, 1986 and October 29, 1986, Stephen M. Younggren,
2 responsible pharmacist was responsible for not having records readily
3 retrievable in violation of CFR 21-1304.04.(h)(2)

4 CONCLUSIONS OF LAW

5 III

6 That the Findings of Fact set forth herein above constitute sufficient
7 evidence to find that STEPHEN M. YOUNGGREN is in violation of those state and
8 federal laws, rules and regulations contained in paragraph IV of the complaint.

9 IV

10 The above described violations constitute grounds for discipline
11 pursuant to A.R.S. § 32-1927.B.2.

12 ORDER

13 V

14 In view of the above Findings of Fact and Conclusions of Law the Board
15 hereby issues the following Order:

16 1. That the Certificate of Registration No. 4751 issued to STEPHEN M.
17 YOUNGGREN be placed on probation for a period of five (5) years, effective June
18 24, 1987, terminating June 23, 1992.

19 2. That STEPHEN M. YOUNGGREN, certificate of registration No. 4751, be
20 assessed a civil penalty of five hundred dollars (\$500.00) on each of the
21 following violations, A.R.S. §32-1968 and A.R.S. §36-2525.D. for a total of one
22 thousand dollars (\$1000,00).

23 3. That STEPHEN M. YOUNGGREN provide the Board with a monthly urinalysis
24 report for illegal drug use and the cost of urinalysis to be born by the
25 registrant. Any questionable report may be cause for reconsideration of these
26 sanctions.

1 4. STEPHEN M. YOUNGGREN will participate in drug rehabilitation counseling
2 with a qualified counselor approved by the executive secretary; counselor to sub-
3 mit progress reports to the executive secretary of the Board of Pharmacy at least
4 once every three months.

5 5. STEPHEN M. YOUNGGREN is to submit a report from the psychiatrist
6 currently treating him within one week after receiving this order, substantiating
7 that STEPHEN M. YOUNGGREN is currently drug free and has participated in some
8 drug counseling treatment program.

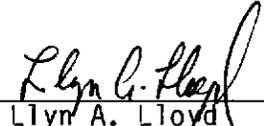
9 6. If at any time during the probation period that STEPHEN M. YOUNGGREN is
10 found after a hearing to be in violation of any federal or state law, rule or
11 regulation promulgated pursuant thereto, regarding the practice of pharmacy
12 and/or the dispensing of drugs, or is found guilty of drug or alcohol abuse, or
13 any other condition imposed by the order, the certificate of registration No.
14 4751 of STEPHEN M. YOUNGGREN may be revoked upon motion carried by the majority
15 of the Board. STEPHEN M. YOUNGGREN is hereby notified he has the right to peti-
16 tion this Board for a hearing within ten (10) days after receipt of the Order
17 pursuant to the provisions of Administrative Rule R4-23-109.D.1.

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DATED this 7th day of June, 1987.

ARIZONA STATE BOARD OF PHARMACY

S E A L

By 
Lynn A. Lloyd
Executive Secretary

1 Copies of the Foregoing Order
2 mailed by certified mail this
3 7th day of July, 1987 to:

3 Stephen M. Younggren
4 Catalina Plaza Pharmacy
5 16150 N. Oracle
6 Tucson, AZ 85738

6 Phillip H. Larriva
7 135 W. Council Street
8 Tucson, AZ 85701

8 Sarah Bailey
9 Assistant Attorney General
10 402 West Congress
11 Tucson, AZ 85701

10 And by Courier Mail to:

11 Montgomery Lee
12 Assistant Attorney General
13 1275 W. Washington
14 Phoenix, AZ 85007
15 Attorney for the State.

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