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BEFORE THE ARIZONA STATE BOARD OF PHARMACY

In the Matter of the Hearing to)
Determine Whether or Not to)
Revoke, Suspend, or Place on) Board Order
Probation the Certificate of)
Registration Number 5571 censure) No. 88 - 6 - H
or fine HAROLD G. HARTGERINK)
_____)

The Arizona State Board of Pharmacy met in open session the 28th day of September, 1988 to consider the allegations in Complaint No. 88-6-H. The board reviewed the consent to entry of order signed by HAROLD G. HARTGERINK, Holder of Certificate of Registration #5571. The Board has considered HARTGERINK'S admissions of fact in the consent, HARTGERINK'S admissions of fact at the Board meeting, the Board files its investigative materials. After full discussion by the board, and upon motion duly seconded, the board enters the following Findings of Fact, Conclusion of Law and Order:

I. Findings of Fact

- A. The Board has jurisdiction of this Complaint pursuant to A.R.S. § 32-1904.
- B. On several occasions, HARTGERINK dispensed to D.W. (as identified in Schedule A of the Complaint and Notice of Hearing) various doses of Fastin Capsules, a CIV Controlled Substance as defined in A.R.S. § 36-2515 and C.F.R. § 1308.14 without a prescription order as defined in A.R.S. § 32-1901.52.

- 1 C. On several occasions, HARTGERINK dispensed to S.S. (as
2 identified in Schedule A of the Complaint and Notice of
3 Hearing) 30 doses of Fastin Capsules, a CIV Controlled
4 Substance as defined in A.R.S. § 36-2515.1 and C.F.R.
5 § 1308.14 without a prescription order as defined in
6 A.R.S. § 32-1901.52.
- 7 D. On two occasions, HARTGERINK dispensed to C.W. (as
8 identified in Schedule A of the Complaint and Notice of
9 Hearing) 60 doses of Tenuate Dospan 75 mg, a CIV
10 Controlled Substance as defined in A.R.S. § 36-2515.1
11 and C.F.R. § 1308.14 without a prescription order as
12 defined in A.R.S. § 32-1901.52.
- 13 E. On or about January 22, 1988, HARTGERINK dispensed to
14 W.C. (as identified in Schedule A of the Complaint and
15 Notice of Hearing) 100 doses of Tylenol with Codeine
16 1/2 grain, a CIII Controlled Substance as defined in
17 A.R.S. § 36-2514.1 and C.F.R. § 1308.13 without a
18 prescription order as defined in A.R.S. § 32-1901.52.
- 19 F. On numerous occasions, HARTGERINK dispensed to P.L. (as
20 identified in Schedule A of the Complaint and Notice of
21 Hearing) varying doses of Acetaminophen with Codeine
22 1/2 grain, a CIII Controlled Substance as defined in
23 A.R.S. § 36-2514.1 and C.F.R. § 1308.13 without a
24 prescription order as defined in A.R.S. § 32-1901.52.
- 25 G. On numerous occasions, HARTGERINK dispensed to T.L. (as
26 identified in Schedule A of the Complaint and Notice of

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- Hearing) various doses of Tylenol with Codeine 1/2 grain, a CIII Controlled Substance as defined in A.R.S. § 36-2514.1 and C.F.R. § 1308.13 without a valid prescription order as defined in A.R.S. § 32-1901.52.
- H. On numerous occasions, HARTGERINK dispensed to T.L. (as identified in Schedule A of the Complaint and Notice of Hearing) various doses of Tylenol with Codeine 1 grain, a CIII Controlled Substance as defined in A.R.S. § 36-2514.1 and C.F.R. § 1308.13 without a valid prescription order as defined in A.R.S. § 32-1901.52.
- I. On or about August 19, 1987, HARTGERINK dispensed to T.L. (as identified in Schedule A of the Complaint and Notice of Hearing) 6 doses of Acetaminophen with Codeine 1/2 grain, a CIII Controlled Substance as defined in A.R.S. § 36-2514.1 and C.F.R. § 1308.13 without a prescription order as defined in A.R.S. § 32-1901.52.
- J. On or about August 12, 1987, HARTGERINK dispensed to P.D. (as identified in Schedule A of the Complaint and Notice of Hearing) 30 doses of Tenuate Dospan 75 mg., a CIV Controlled Substance as defined in A.R.S. § 36-2515.1 and C.F.R. § 1308.14 without a prescription order as defined in A.R.S. § 32-1901.52.
- K. On numerous occasions, HARTGERINK dispensed to P.D. (as identified in Schedule A of the Complaint and Notice of Hearing) on each occasion 30 doses of Ionamin Capsules

1 30 mg., a CIV Controlled Substance as defined in A.R.S.
2 § 36-2515.1 and C.F.R. § 1308.14 without a prescription
3 order as defined in A.R.S. § 32-1901.52.

4 II. Conclusions of Law

5 The board finds that the conduct specified in the
6 findings of fact violates A.R.S. § 36-2525(D). In addition, the
7 conduct set forth in paragraphs B, C, F, G, H, and K also
8 violates C.F.R. § 1306.22. The conduct set forth in paragraphs
9 B, C, D, E, F, I, J, and K also violates C.F.R. § 1306.21.
10 Finally, all the findings of fact constitute grounds to revoke
11 the certificate of registration issued to HAROLD G. HARTGERINK
12 pursuant to A.R.S. § 36-1927(A).

13 III. Order

14 A. Pursuant to A.R.S. § 32-1927(B), the board hereby
15 revokes Certificate of Registration #5571, issued to HAROLD G.
16 HARTGERINK. This revocation is effective on the 20th day
17 of October, 1988 at 5:00 P.M.

18 B. Pursuant to A.R.S. § 32-1927(B), the Board imposes
19 a \$300.00 civil penalty against certificate of registration
20 #5571, issued to HAROLD G. HARTGERINK. This civil penalty must
21 be paid to the Board on or before October 31, 1988.

22 DATED this 6th day of October, 1988.

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24 
25 EXECUTIVE DIRECTOR, ARIZONA
26 STATE BOARD OF PHARMACY

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CIV88-0760