

BEFORE THE ARIZONA STATE BOARD OF PHARMACY

In the Matter of:)
)
RICHARD E. BERRY)
Certificate of Registration)
Number 4753)
_____)

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND BOARD ORDER

NO. 92 - 04 - H

DIRECTED TO: RICHARD E. BERRY
64 Ord Road
Globe, AZ 85501

Pursuant to the foregoing Consent to Entry of Order, the evidence and records compiled and contained in the file for RICHARD E. BERRY and for good cause appearing, the Board on this day of _____, 1992 enters the following Finding of Fact, Conclusions of Law and Board Order in the Matter of 92-04-H.

FINDINGS OF FACT

I

1. RICHARD E. BERRY is the holder of Certificate of Registration Number 4753 issued by the Arizona State Board of Pharmacy which permits the holder to practice pharmacy in the State of Arizona.

2. That on the _____ day of _____, 1992, RICHARD E. BERRY did enter into a Consent to Entry of Order with the Arizona State Board of Pharmacy admitting that factual allegations contained in the Notice of Hearing Number 92-04-H are true and accurate.

3. That RICHARD E. BERRY admits to violations of A.R.S. § 36-2525, A.R.S. § 32-1968, 21 C.F.R. § 1306.21, and 21 § C.F.R. 1306.31, to wit: possession of and dispensing of prescription only medications and Controlled Substances without a valid prescription order.

1 1. RICHARD E. BERRY shall pay a four thousand dollar
2 (\$4000.00) civil penalty to the Board within 90 days of the date of
3 the Order.

4 2. RICHARD E. BERRY shall successfully complete the AZPLEX
5 examination with a score of 90% or better within 90 days of the
6 date of this order.

7 3. RICHARD E. BERRY shall submit to a psychiatric and
8 chemical dependency evaluation within 30 days of the date of this
9 Order by the Pharmacists Assisting Pharmacists of Arizona program
10 and abide by the recommendations of that evaluation.

11 4. RICHARD E. BERRY, when engaged in the profession of
12 pharmacy, shall practice only under the immediate and direct
13 supervision of an Arizona licensed pharmacist and in a facility
14 approved by the Arizona State Board of Pharmacy for a period of two
15 (2) years commencing 10 days from the date of this Order.

16 5. RICHARD E. BERRY shall not serve as a preceptor pharmacist
17 throughout the 5 year term of probation.

18 6. RICHARD E. BERRY is required to advise the Arizona State
19 Board of Pharmacy immediately of any change in pharmacy employment
20 status throughout the term of probation.

21 7. RICHARD E. BERRY is required to furnish all pharmacy
22 employers with a copy of this Order.

1 8. RICHARD E. BERRY shall furnish the Arizona State Board of
2 Pharmacy with a list of all jurisdictions in which he maintains or
3 has maintained licensure in the profession of pharmacy along with
4 the registration number of said licenses.

5 9. RICHARD E. BERRY shall bear the responsibility for the
6 release of information forms and reports as may be required by this
7 Order.

8 10. RICHARD E. BERRY shall bear all costs for the evaluation
9 program required and for any rehabilitation or aftercare programs,
10 should any result from the evaluation.

11 11. RICHARD E. BERRY shall "hold harmless" the provider of any
12 reports or information required by this Order.

13 12. RICHARD E. BERRY shall pay all fees and complete all
14 Continuing Education requirements throught the term of probation to
15 maintain Certificate of Registration Number 4753.

16 13. RICHARD E. BERRY shall obey all the laws and rules
17 governing the practice of pharmacy.

18 14. RICHARD E. BERRY shall appear before the Arizona State
19 Board of Pharmacy on or after the day of 1997 to
20 show cause why the probation imposed by this Order should be
21 removed.

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1 8. RICHARD E. BERRY shall bear the responsibility for the
2 release of information forms and reports as may be required by this
3 Order.

4 9. RICHARD E. BERRY shall bear all costs for the evaluation
5 program required and for any rehabilitation or aftercare programs,
6 should any result from the psychological evaluation.

7 10. RICHARD E. BERRY shall "hold harmless" the provider of any
8 reports or information required by this Order.

9 11. RICHARD E. BERRY shall pay all fees and complete all
10 Continuing Education requirements throught the term of probation to
11 maintain Certificate of Registration Number 4753.

12 12. RICHARD E. BERRY shall obey all the laws and rules
13 governing the practice of pharmacy.

14 13. RICHARD E. BERRY shall appear before the Arizona State
15 Board of Pharmacy on or after the 25th day of April, 1997 to show
16 cause why the probation imposed by this Order should be removed.

17 14. If RICHARD E. BERRY violates this Order in any way or
18 fails to fullfill the requirements of this Order, the Board, after
19 giving the Respondent Notice and the opportunity to be heard, may
20 revoke, suspend or take other disciplinary action against the
21 Respondent.

22 RICHARD E. BERRY is hereby notified that he has the right to
23 petition this Board for a rehearing within ten (10) days after
24 receipt of this Order pursuant to the provisions of A.A.C. § R4-23-
25 109.

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DATED this 13th day of April, 1992

ARIZONA STATE BOARD OF PHARMACY

SEAL

By *Llyn A. Lloyd*
Llyn A. Lloyd
Executive Director

Copies of the foregoing Finding of Fact, Conclusions of Law and Board Order mailed by certified mail this 13th day of April, 1992 to:

RICHARD E. BERRY
2767 B West Anklam Road
Tucson, AZ 85745

and by Courier Mail to:

Montgomery Lee
Assistant Attorney General
1275 W. Washington
Phoenix, AZ 85007
Attorney for the State

and

Paula Bickett
Assistant Attorney General
1275 W. Washington
Phoenix, AZ 85007
Solicitor General's Office