

1 95-0029-HO

2 BEFORE THE ARIZONA STATE BOARD OF PHARMACY

3	In the Matter of:)	
4	STEVEN ELLS LeMAHIEU)	FINDINGS OF FACT, CONCLUSIONS
5	Certificate of Registration)	OF LAW AND BOARD ORDER
6	Number 7505)	NO. 95-0029-PHR
	_____)	

7 DIRECTED TO: STEVEN ELLS LeMAHIEU
 8 14026 S. 36th Place
 9 Phoenix, AZ 85044-4581

10 Pursuant to the foregoing Consent to Entry of Order, the evidence
 11 and records compiled and contained in the file for STEVEN ELLS
 12 LeMAHIEU and for good cause appearing, the Board on this 18th day of
 13 January, 1996 enters the following Finding of Fact, Conclusions of Law
 14 and Board Order in the Matter of 95-029-PHR.

14 FINDINGS OF FACT

15 I

16 1. STEVEN ELLS LeMAHIEU is the holder of Certificate of
 17 Registration Number 7505 issued by the Arizona State Board of Pharmacy
 18 which permits the holder to practice pharmacy in the State of Arizona.

19 2. That on the 17th day of January, 1996, STEVEN ELLS LeMAHIEU
 20 did enter into a Consent to Entry of Order with the Arizona State
 21 Board of Pharmacy admitting that factual allegations contained in the
 22 Notice of Hearing Number 95-0029-PHR are true and accurate.

23 3. That STEVEN ELLS LeMAHIEU admits to violations of A.R.S. § 32-
 24 1927(A)(10), A.R.S. § 32-1927(B)(2), A.R.S. § 36-2525.D, and 21 C.F.R.
 25 § 1306.21. to wit:

1 A. the dispensing of prescription only drugs as listed in Notice
2 of Hearing 95-0029-PHR without valid prescriptions.

3 B. the dispensing of Class III and Class IV Controlled Substances
4 as listed in the Notice of Hearing 95-0029-PHR without valid
5 prescriptions.

6 STEVEN ELLS LeMAHIEU admits to the fact that the conduct contained in
7 the factual allegations constitutes grounds for disciplinary action as
8 provided for in A.R.S. § 32-1927(A)(10) and A.R.S. § 32-1927(B)(2).

9 CONCLUSIONS OF LAW

10 II

11 1. The Board concludes that it has jurisdiction in this Matter
12 pursuant to A.R.S. § 32-1927 (A)(10) and 32-1927(B)(2).

13 2. The Board concludes that STEVEN ELLS LeMAHIEU did violate
14 A.R.S. § 32-1927(A)(10), A.R.S. § 32-1927(B)(2), A.R.S. § 36-2525.D,
15 and 21 C.F.R. § 1306.21. to wit:

16 A. the dispensing of prescription only drugs as listed in the
17 Notice of Hearing 95-0029-PHR.

18 B. the dispensing of Class III and IV Controlled Substances as
19 listed in Notice of Hearing 95-0029-PHR without valid prescriptions.

20 3. The Board further concludes that STEVEN ELLS LeMAHIEU is in
21 violation of A.R.S. § 32-1927(A)(10) and 32-1927(B)(2).

22 ORDER

23 III

24 The Certificate of Registration Number 7505 issued to
25 STEVEN ELLS LeMAHIEU is hereby suspended for five (5) years effective
26 the date of voluntary surrender on November 30, 1995.

1 On or after January 18th, 1996 STEVEN ELLS LeMAHIEU may appear
2 before the Arizona State Board of Pharmacy, then and there to show
3 cause why the suspension should be stayed and a probation be imposed
4 for a period of time commencing at the time the suspension is stayed
5 and continuing to at least November 30th, 2000.

6 Further, if granted, said probation would be subject to the following
7 conditions:

8 1. STEVEN ELLS LeMAHIEU shall not serve as a preceptor pharmacist
9 nor as a pharmacist in charge throughout the term of probation.

10 2. STEVEN ELLS LeMAHIEU shall take and successfully complete the
11 Arizona Jurisprudence Examination (AZPLEX) with a score of 90% or
12 better within 120 days of the date of this order.

13 3. STEVEN ELLS LeMAHIEU shall complete four hundred (400) hours
14 of community service approved by the Board before the probation
15 imposed can be vacated.

16 4. STEVEN ELLS LeMAHIEU shall furnish the Arizona State Board of
17 Pharmacy with a list of all jurisdictions in which he maintains or has
18 maintained licensure in the profession of pharmacy along with the
19 registration number of said licenses.

20 5. STEVEN ELLS LeMAHIEU is required to advise the Arizona State
21 Board of Pharmacy immediately of any change in pharmacy employment
22 status throughout the term of probation.

23 6. STEVEN ELLS LeMAHIEU is required to furnish any and all
24 pharmacy employers with a copy of this Board Order throughout the term
25 of probation.
26

1 7. STEVEN ELLS LeMAHIEU shall pay all fees and complete all
2 Continuing Education requirements to maintain certificate of
3 registration number 7505 throughout the term of probation.

4 8. STEVEN ELLS LeMAHIEU shall obey all federal and state laws
5 and rules governing the practice of pharmacy.

6 9. STEVEN ELLS LeMAHIEU shall bear the responsibility for the
7 release of information forms and reports required by this Order.

8 10. STEVEN ELLS LeMAHIEU shall have initiated a five year
9 contract with the Pharmacists Assisting Pharmacists of Arizona (PAPA)
10 and comply with each and every requirement of that contract.

11 11. STEVEN ELLS LeMAHIEU shall submit to a minimum of twenty-
12 four (24) annual random biological fluid screenings for the prescence
13 of drugs in the system as determined by PAPA for the period of
14 suspension and the first twenty-four (24) months of probation. The
15 annual random biological fluid screenings for the prescence of drugs
16 in the system shall increase to a minimum of forty-eight (48) when
17 STEVEN ELLS LeMAHIEU accepts employment as a pharmacist and shall
18 continue for the first twenty-four (24) months of probation.

19 12. STEVEN ELLS LeMAHIEU shall "hold harmless" the provider of
20 any required reports to the Board of Pharmacy.

21 13. STEVEN ELLS LeMAHIEU shall appear before the Arizona State
22 Board of Pharmacy on or after November 30, 2000, then and there to
23 show cause why the probation imposed by this Order should be vacated.

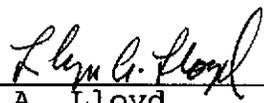
24 14. If STEVEN ELLS LeMAHIEU violates this Order in any way or
25 fails to fullfill the requirements of this Order, the Board, after
26

1 giving STEVEN ELLS LeMAHIEU Notice and the opportunity to be heard,
2 may revoke, suspend or take other disciplinary action against STEVEN
3 ELLS LeMAHIEU.

4
5
6 DATED this 23rd day of January, 1996

7 ARIZONA STATE BOARD OF PHARMACY

8
9
10 SEAL

By 
Llyn A. Lloyd
Executive Director

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13
14 Copies of the foregoing Finding
15 of Fact, Conclusions of Law and
16 Board Order hand delivered
this 24th day of January,
1996 to:

17 STEVEN ELLS LeMAHIEU
18 14026 S. 36th Place
Phoenix, AZ 85044-4581

19 and by Courier Mail to:

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

23 and

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