

1 95-0030-HO

2 BEFORE THE ARIZONA STATE BOARD OF PHARMACY

3	In the Matter of:)	
4	ROBERT DONALD GUERIN)	FINDINGS OF FACT, CONCLUSIONS
5	Certificate of Registration)	OF LAW AND BOARD ORDER
6	Number 9567)	NO. 95-0030-PHR

7 DIRECTED TO: ROBERT DONALD GUERIN
8 3175 N. Price Rd.
9 Chandler, AZ 85224

10 Pursuant to the foregoing Consent to Entry of Order, the evidence
11 and records compiled and contained in the file for ROBERT DONALD
12 GUERIN 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 95-0030-PHR.

14 FINDINGS OF FACT

15 I

16 1. ROBERT DONALD GUERIN is the holder of Certificate of
17 Registration Number 9567 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, ROBERT DONALD GUERIN
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 95-0030-PHR are true and accurate.

23 3. That ROBERT DONALD GUERIN 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: the dispensing of Class III Controlled Substances
26 as listed in the Notice of Hearing 95-0030-PHR without valid prescriptions.

1 ROBERT DONALD GUERIN admits to the fact that the conduct contained in
2 the factual allegations constitutes grounds for disciplinary action as
3 provided for in A.R.S. § 32-1927(A)(10) and A.R.S. § 32-1927(B)(2).

4 CONCLUSIONS OF LAW

5 II

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

8 2. The Board concludes that ROBERT DONALD GUERIN did violate
9 A.R.S. § 32-1927(A)(10), A.R.S. § 32-1927(B)(2), A.R.S. § 36-2525.D,
10 and 21 C.F.R. § 1306.21. to wit:

11 the dispensing of Class III Controlled Substances as listed in
12 Notice of Hearing 95-0030-PHR without valid prescriptions.

13 3. The Board further concludes that ROBERT DONALD GUERIN is in
14 violation of A.R.S. § 32-1927(A)(10) and 32-1927(B)(2).

15 ORDER

16 III

17 The Certificate of Registration Number 9567 issued to
18 ROBERT DONALD GUERIN is hereby suspended for five (5) years effective
19 the date of voluntary surrender on October 29th, 1995.

20 On or after January 18th, 1996 ROBERT DONALD GUERIN may appear
21 before the Arizona State Board of Pharmacy, then and there to show
22 cause why the suspension should be stayed and a probation be imposed
23 for a period of time commencing at the time the suspension is stayed
24 and continuing to at least January 18th, 2001.

1 Further, if granted, said probation would be subject to the
2 following conditions:

3 1. ROBERT DONALD GUERIN shall not serve as a preceptor pharmacist
4 nor as a pharmacist in charge throughout the term of probation.

5 2. ROBERT DONALD GUERIN shall take and successfully complete the
6 Arizona Jurisprudence Examination (AZPLEX) with a score of 90% or
7 better within 120 days of the date of this order.

8 3. ROBERT DONALD GUERIN shall perform four hundred (400) hours of
9 community service approved by the Board before the term of probation
10 is completed.

11 4. ROBERT DONALD GUERIN shall furnish the Arizona State Board of
12 Pharmacy with a list of all jurisdictions in which he maintains or has
13 maintained licensure in the profession of pharmacy along with the
14 registration number of said licenses.

15 5. ROBERT DONALD GUERIN is required to advise the Arizona State
16 Board of Pharmacy immediately of any change in pharmacy employment
17 status throughout the term of probation.

18 6. ROBERT DONALD GUERIN is required to furnish any and all
19 pharmacy employers with a copy of this Board Order throughout the term
20 of probation.

21 7. ROBERT DONALD GUERIN shall pay all fees and complete all
22 Continuing Education requirements to maintain certificate of
23 registration number 9567 throughout the term of probation.

24 8. ROBERT DONALD GUERIN shall obey all federal and state laws
25 and rules governing the practice of pharmacy.
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1 9. ROBERT DONALD GUERIN shall bear the responsibility for the
2 release of information forms and reports required by this Order.

3 10. ROBERT DONALD GUERIN shall have initiated a five year
4 contract with the Pharmacists Assisting Pharmacists of Arizona (PAPA)
5 and comply with each and every requirement of that contract.

6 11. ROBERT DONALD GUERIN shall submit to a minimum of twenty-
7 four (24) annual random biological fluid screenings for the prescence
8 of drugs in the system as determined by PAPA for the period of
9 suspension and the first twenty-four (24) months of probation. The
10 annual random biological fluid screenings for the prescence of drugs
11 in the system shall increase to a minimum of forty-eight (48) when
12 ROBERT DONALD GUERIN accepts employment as a pharmacist and shall
13 continue for the first twenty-four (24) months of of probation.

14 12. ROBERT DONALD GUERIN shall "hold harmless" the provider of
15 any required reports to the Board of Pharmacy.

16 13. ROBERT DONALD GUERIN shall appear before the Arizona State
17 Board of Pharmacy on or after January 18th 30, 2001, then and there to
18 show cause why the probation imposed by this Order should be vacated.

19 14. If ROBERT DONALD GUERIN violates this Order in any way or
20 fails to fullfill the requirements of this Order, the Board, after
21 giving ROBERT DONALD GUERIN Notice and the opportunity to be heard,
22 may revoke, suspend or take other disciplinary action against ROBERT
23 DONALD GUERIN.

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1 DATED this 23rd day of January, 1996

2 ARIZONA STATE BOARD OF PHARMACY

3
4
5 SEAL

By


Llyn A. Lloyd
Executive Director

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9 Copies of the foregoing Finding
10 of Fact, Conclusions of Law and
11 Board Order hand delivered
this 24th day of January,
1996 to:

12 ROBERT DONALD GUERIN
13 3175 N. Price Rd.
Chandler, AZ 85224

14 and by Courier Mail to:

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

18 and

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

1 95-0030-OA

2 BEFORE THE ARIZONA STATE BOARD OF PHARMACY

3	In the Matter of:)	
4	ROBERT DONALD GUERIN)	AMENDED BOARD ORDER
	Certificate of Registration)	
5	Number 9567)	NO. 95 - 0030 - PHR
6	_____)		

7 DIRECTED TO: ROBERT DONALD GUERIN
 8 3175 N. Price Rd.
 9 Chandler, AZ 85224

10 This Matter came before the Arizona State Board of Pharmacy
 11 on the 18th day of January, 1996 pursuant to a request by the
 12 Respondent, to amend the Order in the matter of 95-0030-PHR by staying
 13 the suspension and imposing a probation as described in paragraph III
 14 on page two (2) of the Order. Gerald Ritt president, presided with
 15 members Daniel Jacob, Michael Noel, and Dennis McAllister in
 16 attendance and participating therein.

17 The Board heard testimony on the Respondent's compliance with
 18 the Pharmacists Assisting Pharmacists of Arizona (PAPA) contract.
 19 After deliberation on the testimony presented the Board unanimously
 20 agreed to amend the Order by staying the suspension and imposing a
 21 probation as described in paragraph III on page two (2). Said
 22 probation shall continue to at least January 18th, 2001 and is subject
 23 to all conditions as listed in Board Order Number 95-0030-PHR.

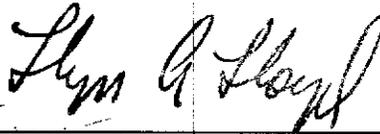
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1 DATE of this Amended Order is the 18th day of January, 1996

2 ARIZONA STATE BOARD OF PHARMACY

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4 SEAL

By 
Llyn A. Lloyd
Executive Director

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8 Copies of the foregoing Amended
9 Board Order mailed by United States
mail this 24th day of JANUARY, 1996 to:

10 ROBERT DONALD GUERIN
11 3175 N. Price Rd.
12 Chandler, AZ 85224

13 and by Courier Mail to:

14 Montgomery Lee
15 Assistant Attorney General
16 1275 W. Washington
17 Phoenix, AZ 85007
18 Attorney for the State

19 and

20 Paula Bickett
21 Assistant Attorney General
22 1275 W. Washington
23 Phoenix, AZ 85007
24 Solicitor General's Office
25
26