

1 96-09-HO

2 BEFORE THE ARIZONA STATE BOARD OF PHARMACY

3 In the Matter of:)
4 JOAN KAY BREKKEN)
Certificate of Registration)
5 Number 6899)
6 _____)

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND BOARD ORDER

NO. 96 - 0009- H

7 DIRECTED TO: JOAN KAY BREKKEN
1974 N. Jackson St.
8 Chandler, AZ 85224

9 This Matter came before the Arizona State Board of Pharmacy on
10 the 16th day of October, 1996 pursuant to Notice of Hearing Number
11 96-0009-H (hereinafter referred to as "Notice").

12 Gerald G. Ritt, president, presided with Charles E. Cordell,
13 vice-president, and members Daniel J. Jacob, Michael Noel, Dennis K.
14 McAllister, Eugene P. Drake and Natalie A. Spencer in attendance and
15 participating therein.

16 The State was represented by the Office of the Attorney General,
17 Montgomery Lee, Assistant Attorney General.

18 The respondent JOAN KAY BREKKEN was present and was not
19 represented by counsel. JOAN KAY BREKKEN was advised of her right to
20 be represented by counsel and JOAN KAY BREKKEN waived that right.

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

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1 FINDINGS OF FACT

2 I

3 1. JOAN KAY BREKKEN is the holder of Certificate of Registration
4 Number 6899 issued by the Arizona State Board of Pharmacy which
5 permits the holder to engage in the practice of in pharmacy in the
6 state of Arizona.

7 2. That the evidence and testimony presented in this Matter did
8 sustain the allegations in Paragraphs IV of the Notice, to wit:

9 JOAN KAY BREKKEN was a participant in the Pharmacists Assisting
10 Pharmacists of Arizona (PAPA) program established pursuant to A.R.S.
11 § 32-1932.01 from April 27, 1995 to September 4, 1996. Between the
12 dates of July 10, 1995 and August 30, 1996 JOAN KAY BREKKEN submitted
13 two (2) bodily fluid drug screens as required by her PAPA contract
14 which were positive for the substances as listed in the Notice of
15 Hearing. JOAN KAY BREKKEN has by her own admission no known medical
16 condition that requires treatment with the substances listed in the
17 Notice and no prescriptions were produced to demonstrate that the
18 substances were obtained pursuant to a prescription from a licensed
19 medical practitioner.

20 CONCLUSIONS OF LAW

21 II

22 1. The Board concludes that it has jurisdiction in this Matter
23 pursuant to A.R.S. § 32-1927 (A)(4)& (5) and A.R.S. §32-1927(B)(2).

24 2. The conduct alleged and sustained in Paragraphs IV of the
25 Notice constitutes violations of A.R.S. § 32-1927(A) (4)&(5) and
26 A.R.S. § 32-1927(B)(2).

1 Copies of the foregoing Finding
2 of Fact, Conclusions of Law and
3 Board Order mailed by certified
4 mail this 30th day of October,
5 1996 to:

6
7 JOAN KAY BREKKEN
8 1974 N. Jackson St.
9 Chandler, AZ 85224

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

16 and

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