

2 BEFORE THE ARIZONA STATE BOARD OF PHARMACY

3 In the Matter of:)

4 AMERICAN PHARMACEUTICAL SERVICES)
DBA LAHR'S PHARMACY)
5 9220 N. Central Avenue)
Phoenix, AZ 85020)
6 Pharmacy Permits Number)
Y02827 & Y02829)

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND BOARD ORDER

NO. 97-0022-PHR

8 DIRECTED TO: AMERICAN PHARMACEUTICAL SERVICES
9 DBA LAHR'S PHARMACY
9220 N. Central Avenue
10 Phoenix, AZ 85020

11 Pursuant to the foregoing Consent to Entry of Order, the evidence
12 and records compiled and contained in the file for AMERICAN
13 PHARMACEUTICAL SERVICES DBA LAHR'S PHARMACY and for good cause
14 appearing, the Board on this 15th day of January, 1998 enters the
15 following Findings of Fact, Conclusions of Law and Board Order in the
16 Matter of Notice of Hearing Number 97-0022-PHR ("Notice").

17 FINDINGS OF FACT

18 I

19 1. AMERICAN PHARMACEUTICAL SERVICES is the holder of Pharmacy
20 Permits Number Y02827 & Y02829 issued by the Arizona State Board of
21 Pharmacy which permits the holder to operate a pharmacy in the State
22 of Arizona.

23 2. Paragraph two (2) on page three (3) of the Notice of Hearing
24 Number 97-022-PHR alleges that on or about the 22nd day of January,
25 1997, while employed as a pharmacist at AMERICAN PHARMACEUTICAL
26 SERVICES , JACK BERTCH did dispense Effexor 37.5 mg. tablets in place

1 of Cylert 37.5 mg. tablets pursuant to prescription number 4592450
2 without the express permission of the prescriber, a violation of
3 A.R.S. § 32-1927-(B) (1) and A.A.C. § R4-23-402 (A) (7).

4 3. Paragraph three (3) on page three (3) alleges that the
5 required oral communication on a new prescription was not performed on
6 new prescription number 6302524 dispensed on April 30, 1997 at
7 AMERICAN PHARMACEUTICAL SERVICES.

8 4. Paragraph four (4) on page three (3) alleges that AMERICAN
9 PHARMACEUTICAL SERVICES allowed a pharmacy technician employee to
10 compound medication for individual prescription orders, a practice
11 restricted to pharmacists.

12 AMERICAN PHARMACEUTICAL SERVICES admits to the allegations
13 contained in the Notice, admits to the Findings of Fact and
14 Conclusions of Law contained herein and consents to the entry of this
15 Order for the purpose of settling this matter.

16 4. On the 26th day of December, 1997, AMERICAN PHARMACEUTICAL
17 SERVICES did enter into a Consent to Entry of Order with the Arizona
18 State Board of Pharmacy regarding the Notice.

19 CONCLUSIONS OF LAW

20 II

21 1. The Board concludes that it has jurisdiction in this Matter
22 pursuant to A.R.S. § 32-1932(A) and A.A.C. § R4-23-608 (B).

23 2. The Board concludes that AMERICAN PHARMACEUTICAL SERVICES did
24 violate A.R.S. § 32-1932(A) and A.A.C. § R4-23-608 (B).

1 DATED this 15th day of January, 1998

2 ARIZONA STATE BOARD OF PHARMACY

3
4 SEAL

By 

5 Llyn A. Lloyd

6 Executive Director

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8 Copies of the foregoing Finding
9 of Fact, Conclusions of Law and
10 Board Order mailed by certified
11 mail this 21st day of January, 1998
12 to:

11 AMERICAN PHARMACEUTICAL SERVICES
12 DBA LAHR'S PHARMACY
13 9220 N. Central Avenue
14 Phoenix, AZ 85020

15 and by Courier Mail to:

14 Michael J. Harrison
15 Assistant Attorney General
16 Office of the Attorney General
17 1275 W. Washington
18 Phoenix, AZ 85007
19 Attorney for the State

20 and

19 Teresa Skladany
20 Assistant Attorney General
21 Office of the Attorney General
22 1275 W. Washington
23 Phoenix, AZ 85007
24 Solicitor General's Office
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