

1 98-0001-HO

2 BEFORE THE ARIZONA STATE BOARD OF PHARMACY

3 In the Matter of:)	
)	FINDINGS OF FACT, CONCLUSIONS
4 GREGG D. CLUFF)	OF LAW AND BOARD ORDER
Certificate of Registration)	
5 Number 10248)	NO. 98-0001-PHR
_____)		

6
7 DIRECTED TO: GREGG D. CLUFF
8 P.O. Box 832
9 Pima, AZ 85543

10 Pursuant to the foregoing Consent to Entry of Order, the evidence
11 and records compiled and contained in the file for GREGG D. CLUFF and
12 for good cause appearing, the Board on this 12th day of March, 1998
13 enters the following Finding of Fact, Conclusions of Law and Board
14 Order in the Matter of 98-0001-PHR.

14 FINDINGS OF FACT

15 I

16 1. GREGG D. CLUFF is the holder of Certificate of Registration
17 Number 10248 issued by the Arizona State Board of Pharmacy which
18 permits the holder to practice pharmacy in the State of Arizona.

19 2. That on the 28th day of January, 1998, GREGG D. CLUFF did
20 enter into a Consent to Entry of Order with the Arizona State Board of
21 Pharmacy admitting that factual allegations contained in the Notice of
22 Hearing Number 98-0001-PHR are true and accurate.

23 3. That GREGG D. CLUFF admits to violations of A.R.S. § 32-
24 1927(A) (5) & (A) (10), A.R.S. § 32-1927(B) (2), A.R.S. § 36-2525(C), and
25 21 C.F.R. § 1306.11 to wit: the dispensing of Class II Controlled
26 Substances as listed in the Notice of Hearing 98-0001-PHR without

1 valid prescriptions. GREGG D. CLUFF admits to the fact that the
2 conduct contained in the factual allegations constitutes grounds for
3 disciplinary action as provided for in A.R.S. § 32-1927(A)(5) &
4 (A)(10) and A.R.S. § 32-1927(B)(2).

5 CONCLUSIONS OF LAW

6 II

7 1. The Board concludes that it has jurisdiction in this Matter
8 pursuant to A.R.S. § 32-1927 (A)(5) & (A)(10) and 32-1927(B)(2).

9 2. The Board concludes that GREGG D. CLUFF did violate
10 A.R.S. § 32-1927(A)(5) & (A)(10), A.R.S. § 32-1927(B)(2), A.R.S. § 36-
11 2525(C), and 21 C.F.R. § 1306.11 to wit:

12 the dispensing of Class II Controlled Substances as listed in
13 Notice of Hearing 98-0001-PHR without valid prescriptions.

14 3. The Board further concludes that GREGG D. CLUFF is in
15 violation of A.R.S. § 32-1927(A)(5) & (A)(10) and 32-1927(B)(2).

16 ORDER

17 III

18 The Certificate of Registration Number 10248 issued to GREGG D.
19 CLUFF is hereby suspended for five (5) years effective the date of
20 voluntary surrender on November 13, 1997.

21 On or after March 12th, 1998 GREGG D. CLUFF may appear before the
22 Arizona State Board of Pharmacy, then and there to show cause why the
23 suspension should be stayed and a probation be imposed for a period of
24 time commencing at the time the suspension is stayed and continuing to
25 at least March 12th, 2003.

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

3 1. GREGG D. CLUFF shall not serve as a preceptor pharmacist nor
4 as a pharmacist in charge throughout the term of probation.

5 2. GREGG D. CLUFF 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. GREGG D. CLUFF shall perform four hundred (400) hours of
9 community service approved by the Board before the term of probation
10 is completed.

11 4. GREGG D. CLUFF 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. GREGG D. CLUFF is required to advise the Arizona State Board
16 of Pharmacy immediately of any change in pharmacy employment status
17 throughout the term of probation.

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

21 7. GREGG D. CLUFF shall pay all fees and complete all
22 Continuing Education requirements to maintain certificate of
23 registration number 10248 throughout the term of probation.

24 8. GREGG D. CLUFF shall obey all federal and state laws and
25 rules governing the practice of pharmacy.

26 9. GREGG D. CLUFF shall bear the responsibility for the release

1 of information forms and reports required by this Order.

2 10. GREGG D. CLUFF shall have initiated a five year contract
3 with the Pharmacists Assisting Pharmacists of Arizona (PAPA) and
4 comply with each and every requirement of that contract.

5 11. GREGG D. CLUFF shall submit to a minimum of forty-eight (48)
6 annual random biological fluid screenings for the presence of drugs or
7 alcohol in the system for the period of suspension and the first
8 twenty-four (24) months of the probation, thereafter as required by
9 the PAPA contract.

10 12. GREGG D. CLUFF shall "hold harmless" the provider of any
11 required reports to the Board of Pharmacy.

12 13. GREGG D. CLUFF shall appear before the Arizona State Board
13 of Pharmacy on or after March 12th, 2003, then and there to show cause
14 why the probation imposed by this Order should be vacated.

15 14. If GREGG D. CLUFF violates this Order in any way or fails to
16 fulfill the requirements of this Order, the Board, after giving GREGG
17 D. CLUFF Notice and the opportunity to be heard, may revoke, suspend
18 or take other disciplinary action against GREGG D. CLUFF.

19
20 DATED this 12th day of March, 1998

21 ARIZONA STATE BOARD OF PHARMACY

22
23
24 SEAL

By


Llyn A. Lloyd
Executive Director

1 Copies of the foregoing Finding
2 of Fact, Conclusions of Law and
3 Board Order sent via Certified Mail
4 this 12th day of March, 1998 to:

4 GREGG D. CLUFF
5 P.O. Box 832
6 Pima, AZ 85543

6 and by Courier Mail to:

7 Michael Harrison
8 Assistant Attorney General
9 Office of the Attorney General
10 1275 W. Washington
11 Phoenix, AZ 85007
12 Attorney for the State

11 and

12 Theresa Skladany
13 Assistant Attorney General
14 Office of the Attorney General
15 1275 W. Washington
16 Phoenix, AZ 85007
17 Solicitor General's Office

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Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Gregg D. Cluff

4a. Article Number

99-0001-918

4b. Service Type

- Registered Insured
- Certified COD
- Express Mail Return Receipt for Merchandise

7. Date of Delivery

1-28-98

5. Signature (Addressee)

Gregg D. Cluff

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

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- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
 GREGG D. CLUFF
 P.O. BOX 832
 PIUMA AZ 85543
 Kathy Cluff

4a. Article Number
 E-212-647-751

4b. Service Type
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery
 5-23-98

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

Thank you for using Ret