

1 98-0019-HO

2 BEFORE THE ARIZONA STATE BOARD OF PHARMACY

3	In the Matter of:)	
4	DAVID A. CLAPP)	FINDINGS OF FACT, CONCLUSIONS
5	Certificate of Registration)	OF LAW AND BOARD ORDER
6	Number 9617)	NO. 98-0019-PHR

7 DIRECTED TO: DAVID A. CLAPP
8 111 Lead Street
9 Kingman, AZ 86401

10 This Matter came before the Arizona State Board of Pharmacy on
11 the 17th day of September, 1998 pursuant to Notice of Hearing Number
12 98-19-H (hereinafter referred to as "Notice").

13 Daniel J. Jacob, president, presided with members Susan V.
14 Ford, Dennis K. McAllister, Gerald G. Ritt, William E. Jones and
15 Eugene Drake in attendance and participating therein.

16 The State was represented by the Office of the Attorney
17 General, Nancy Beck, Assistant Attorney General. The respondent
18 DAVID A. CLAPP was not present and was not represented by counsel.

19 The Board, after consideration of the evidence and testimony
20 presented, hereby makes the following Findings of Fact, Conclusions
21 of Law and Board Order. he Matter of 98-0019-PHR.

22 FINDINGS OF FACT

23 I

24 1. DAVID A. CLAPP is the holder of Certificate of Registration
25 Number 9617 issued by the Arizona State Board of Pharmacy which
26 permits the holder to practice pharmacy in the State of Arizona.

2. That the evidence and testimony presented in this Matter did

1 sustain allegations in paragraph IV of the Notice, to wit:

2 That DAVID A. CLAPP violated A.R.S. § 32-1927(A)(5)&(10), A.R.S. §
3 32-1927(B)(2), A.R.S. § 36-2525.C, A.R.S. § 36-2525.D, 21 C.F.R. §
4 1306.11, 21 C.F.R. § 1306.21:

5 1. dispensing Class II and III Controlled Substances as listed
6 in the Notice of Hearing and defined in A.R.S. § 36-2513, A.R.S. §
7 36-2514, 21 C.F.R. § 1308.12 and 21 C.F.R. § 1308.13 without a valid
8 prescription order as defined in A.R.S. § 32-1901.66 for personal
9 use.

10 2. failure to account for Class II and III Controlled
11 Substances as listed in the Notice of Hearing and defined in A.R.S.
12 § 36-2513, A.R.S. § 36-2514, 21 C.F.R. § 1308.12 and 21 C.F.R. §
13 1308.13 while employed at Sav-On Drugs #2336 pharmacy.

14 3. the licensee is addicted to the use of methamphetamine to
15 such a degree as to render the licensee unfit in the opinion of the
16 Board to practice the profession of pharmacy.

17 DAVID A. CLAPP admits to the fact that the conduct contained in
18 the factual allegations constitutes grounds for disciplinary action
19 as provided for in A.R.S. § 32-1927(A)(5) & (10) and (B)(2).

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)(5) & (10) and 32-1927(B)(2).

24 2. The Board concludes that DAVID A. CLAPP did violate A.R.S. §
25 32-1927(A)(5) & (10), A.R.S. § 32-1927(B)(2), A.R.S. § 36-2525.C,
26 A.R.S. § 36-2525.D, 21 C.F.R. § 1306.11, 21 C.F.R. § 1306.21, and
A.A.C. R4-23-658(B)(10) to wit:

A. the dispensing of Class II and III Controlled Substances as
listed in Notice of Hearing 98-0019-PHR without valid prescription
orders.

1 B. the failure to account for Class II and III Controlled
2 Substances as listed in the Notice of Hearing 98-0019-PHR while
3 employed as pharmacist in charge at Sav-On Drugs #2336.

4 C. the licensee is addicted to the use of methamphetamine to
5 such a degree as to render the licensee unfit in the opinion of the
6 Board to practice the profession of pharmacy.

7 4. The Board further concludes that DAVID A. CLAPP is in
8 violation of A.R.S. § 32-1927(A)(5) & (10) and 32-1927(B)(2).

9 ORDER

10 III

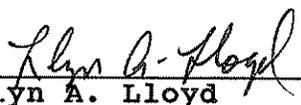
11 The Certificate of Registration Number 9617 issued to DAVID A.
12 CLAPP is hereby revoked effective fifteen (15) days from the date of
13 this Order.

14 DAVID A. CLAPP is hereby notified that he has a right to
15 petition this Board for a rehearing within fifteen (15) days after
16 receipt of this Order pursuant to provisions of A.A.C. § R4-23-109.

17
18 DATED this 17th day of September, 1998

19 ARIZONA STATE BOARD OF PHARMACY

20
21
22 SEAL

By 

Llyn A. Lloyd
Executive Director

1 Copies of the foregoing Finding of Fact,
2 Conclusions of Law and Board Order sent
3 via Certified U.S. mail this 25th day of
4 September, 1998 to:

5 DAVID A. CLAPP
6 111 Lead St.
7 Kingman, AZ 86401

8 and by Courier Mail to:

9 Nancy Beck
10 Assistant Attorney General
11 Attorney General's Office
12 1275 W. Washington
13 Phoenix, AZ 85007
14 Attorney for the State

15 and

16 Terri Skladany
17 Assistant Attorney General
18 Solicitor General's Office
19 1275 W. Washington
20 Phoenix, AZ 85007

21 Is your RETURN ADDRESS completed on the reverse side?

22 **SENDER:**

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- Complete items 3, and 4a & b.
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- 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):

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

Consult postmaster for fee.

23 3. Article Addressed to:

24 DAVID A. CLAPP
25 111 LEAD ST.
26 KINGMAN, AZ
86401

4a. Article Number

Z-212-647-88

4b. Service Type

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

7. Date of Delivery

Oct 24 9-24

5. Signature (Addressee)

6. Signature (Agent)

David A. Clapp

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

PS Form 3811, December 1991 *U.S. GPO: 1993-352-714

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