

1 99-0019-HO

2 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

3 In the Matter of:

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND BOARD ORDER**

4 CHARLES A. DUTCHER)
Certificate of Registration)
5 Number 6483)
_____)

NO. 99-0019-PHR

7 DIRECTED TO: CHARLES A. DUTCHER
527 N. Stinson, Box 232
8 Snowflake, AZ 85937

9 Pursuant to the foregoing Consent to Entry of Order, the evidence and records compiled and
10 contained in the file for CHARLES A. DUTCHER and for good cause appearing, the Board on this 9th
11 day of September, 1999 enters the following Finding of Fact, Conclusions of Law and Board Order in the
12 Matter of 99-0019-PHR.

13 **FINDINGS OF FACT**

14 **I**

15 1. CHARLES A. DUTCHER is the holder of Certificate of Registration Number 6483 issued by
16 the Arizona State Board of Pharmacy which permits the holder to practice pharmacy in the State of
17 Arizona.

18 2. That on the 10th day of June, 1999, CHARLES A. DUTCHER did enter into a Consent to
19 Entry of Order with the Arizona State Board of Pharmacy admitting that he dispensed a prescription only
20 drug on two separate occasions as listed in the Notice of Hearing without a valid prescription order to Jim
21 Mitchell, Animal Control Officer for the Town of Snowflake.

22 3. That CHARLES A. DUTCHER admits to violations of A.R.S. § 32-1927(A)(10) and
23 A.R.S. § 32-1968 (A)- (D) to wit:

24
25 1. The licensee is found by the Board to be guilty of violating any Arizona or federal law, rule or
26 regulation relating to the manufacture and distribution of drugs, and devices or the practice of
pharmacy.

1 **A.R.S. § 32-1968 Dispensing prescription-only drug; prescription orders; renewals; labels;**

2 **A. A prescription-only drug shall be dispensed only under one of the following conditions:**

- 3 1. By a medical practitioner in conformance with § 32-1921.
4 2. Upon a written prescription order.
5 3. Upon an oral prescription order which is reduced promptly to writing and filed by the
6 pharmacist.
7 4. By renewing any written or oral prescription order if a renewal is authorized by the prescriber
8 either in the original prescription order or by an oral order that is reduced promptly to writing and
9 filed by the pharmacist.

10 **B. A prescription order shall not be renewed if it is either:**

- 11 1. Ordered by the prescriber not to be renewed.
12 2. More than one year since it was originally ordered.

13 **C. A prescription order shall contain the date it was issued, the name and address of the person
14 for whom or owner of the animal for which the drug is ordered, the name, strength and quantity
15 of the drug ordered and directions for its use. A written prescription order shall contain the printed
16 name of the prescriber.**

17 **D. Any drug dispensed in accordance with subsection A of this section is exempt from the
18 requirements of § 32-1967, except subsection A, paragraphs 1, 10 and 11 and the packaging
19 requirements of subsection A, paragraphs 7 and 8, if the drug container bears a label containing
20 the name and address of the dispenser, serial number, date of dispensing, name of the prescriber,
21 name of the patient, or, if an animal, the name of the owner of the animal and the species of the
22 animal, directions for use and cautionary statements, if any, contained in the order. This
23 exemption does not apply to any drug dispensed in the course of the conduct of a business of
24 dispensing drugs pursuant to diagnosis by mail or to a drug dispensed in violation of subsection
25 A of this section.**

26 **CONCLUSIONS OF LAW**

II

1. The Board concludes that it has jurisdiction in this Matter pursuant to A.R.S. § 32-1927(A)(10)
and A.R.S. § 32-1968(A)-(D).

2. The Board concludes that CHARLES A. DUTCHER did violate A.R.S. § 32-1927(A)(10) and
A.R.S. § 32-1968(A)-(D).

ORDER

III

The certificate of Registration Number 6483 issued to CHARLES A. DUTCHER is hereby placed
on probation for one (1) year commencing ten (10) days from the date of this Order. The probation is

1 subject to the following conditions:

2 1. CHARLES A. DUTCHER shall pay a civil penalty of two hundred and fifty dollars (\$250.00)
3 for each violation, for a total of five hundred dollars (\$500.00) to the Board of Pharmacy within sixty (60)
4 days of the date of this Order.

5 2.. CHARLES A. DUTCHER shall pay all fees and complete all Continuing Education
6 requirements throughout the term of probation to maintain Certificate of Registration Number 6483.

7 3. CHARLES A. DUTCHER shall obey all federal and state laws and rules governing the practice
8 of pharmacy.

9 4. If CHARLES A. DUTCHER violates this Order in any way or fails to fulfill the requirements
10 of this Order, the Board, after giving the Respondent Notice and the opportunity to be heard, may revoke,
11 suspend or take other disciplinary action against the Respondent.

12

13 **DATED this 9th day of September, 1999**

14

ARIZONA STATE BOARD OF PHARMACY

15

16

By Llyn A. Lloyd

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Llyn A. Lloyd

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Executive Director

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SEAL

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1 Copies of the foregoing Finding
2 of Fact, Conclusions of Law and
3 Board Order mailed by certified
4 mail this 21st day of September, 1999
5 to:

6 CHARLES A. DUTCHER
7 527 N. Stinson, Box 232
8 Snowflake, AZ 85937

9 and by Courier Mail to:

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

15 and

16 Tom Dennis
17 Assistant Attorney General
18 1275 W. Washington
19 Phoenix, AZ 85007
20 Civil Appeals Section
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