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**BEFORE THE ALABAMA  
STATE BOARD OF PHARMACY**

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**CONSENT ORDER**

Pursuant to Code of Alabama 41-22-12(f), the matters at issue have been resolved informally by the parties and the parties have agreed that this Consent Order can be entered and include the following terms:

1, The counsel for the Board and the counsel for Beaty and HDP stipulate that Beaty and HDP deny for all legal purposes other than this proceeding the allegations set forth in the Statement, and further stipulate that for the purposes of this proceeding they do not contest that the Board would introduce sufficient evidence to meet the burden of proof required of the Board in this

proceeding. Based on those stipulations, the Board finds that Beaty and HDP are guilty of violating the provisions of Code of Alabama (1975) §34-23-1, et. seq. as set forth in and based upon the conduct set forth in the Statement.

1. Beaty's license to practice pharmacy in the State of Alabama shall be SUSPENDED for a period of ten (10) years from the effective date of this Order.
2. Beaty shall also comply with the following:
  - A. Pay to the Board within five months from the effective date of this Consent Order, a fine in the amount of Twelve Thousand dollars (\$12,000.00) to be paid as follows: Two Thousand, Five Hundred dollars (\$2,500.00) within thirty (30) days of the effective date of this Consent Order; and an additional Two Thousand, Five Hundred dollars, (\$2,500.00) each month until paid in full, a total of Twelve Thousand dollars (\$12,000.00). This obligation of payment to the Board shall not be dischargeable in bankruptcy and it shall not attempt to discharge the same in any bankruptcy proceeding.
  - B. Execute and comply with a Monitoring Contract for a term of ten (10) years, which said contract is incorporated as if fully set forth herein. Any violation of the contract shall be a violation of this Order.
  - C. Have no involvement in any way in the operation or management of any pharmacy and is prohibited from being present in the Prescription Department of any pharmacy.
  - D. Not be allowed to possess a key or have any means of access to any

pharmacy or the Prescription Department of any pharmacy.

3. After the expiration of five (5) years, which shall begin to run from the date Beaty surrendered his license, he may request through the filing of a Petition that the Board allow the remaining period of SUSPENSION to revert to PROBATION, although there is no right to such reversion. In the event the Board allows Beaty's remaining suspension to revert to probation, the Board may impose any additional terms and conditions it deems necessary and appropriate.
4. HDP's license to practice pharmacy in the State of Alabama shall be SUSPENDED for a period of ten (10) years from the date of this Order and shall immediately revert to PROBATION subject to HDP's express compliance with the following terms and conditions:
  - A. Payment to the Board within five (5) months from the effective date of this Consent Order a fine in the amount of Eleven Thousand dollars (\$11,000.00), to be paid as follows: Two Thousand, Five Hundred dollars (\$2,500.00) within thirty (30) days of the effective date of this Consent Order; an additional Two Thousand, Five Hundred dollars, (\$2,500.00) each month for the next three consecutive months, and a final payment of One Thousand dollars (\$1,000.00) due on or before five months from the date of this Consent Order.
  - B. All terms and conditions of the discipline imposed upon Beaty in Paragraph Two (2) above, as well as any applicable terms or conditions in the event Beaty's SUSPENSION reverts to PROBATION




as described above.

5. By execution of this Consent Order, Beaty and HDP hereby release the Board, its members, agents, representatives, servants and employees from any and all liability, claims, damages, fees or expenses arising out of or made in connection with the matters relating to this Consent Order and Statement.
6. Beaty and HDP expressly waive their rights pursuant to the Alabama Pharmacy Practice Act, Code of Alabama (1975), Section 34-23-1 et. seq., including but not limited to 34-23-34, 34-23-92(7) and 34-23-94, the Alabama Administrative Procedure Act, 41-22-1, et. seq., including but not limited to 41-22-12 and 41-22-20 and the Alabama Uniform Controlled Substances Act, Code of Alabama (1975), Section 20-2-50 et. seq., and including the opportunity for a hearing before the Board or judicial review of this Consent Order. Beaty and HDP further waive any obligation to the attorney for the Board preparing, drafting or making this Order, including the waiver of any objection or right pursuant to Code of Alabama (1975), Section 41-22-18.
7. That Beaty and HDP agree that further violation of the Alabama Board of Pharmacy Practice Act, the rules and regulations of the Alabama State Board of Pharmacy or any other applicable laws may, upon proof and hearing thereof, result in further disciplinary sanctions against their license.
8. That Beaty and HDP acknowledge, stipulate and agree that they have read this Consent Order and that it fully understands the terms, conditions and contents of the same. Beaty and HDP acknowledge, stipulate and agree that

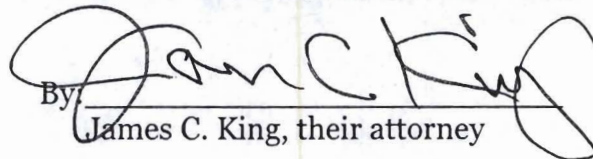
it voluntarily and of their own free will accepts the terms and conditions set out in this Consent Order and is executing this Consent Order freely and voluntarily without coercion, duress, or threats or pursuant to any promises and upon advice of counsel.

9. The effective date of this Order shall be the date it is executed on behalf of the Board.

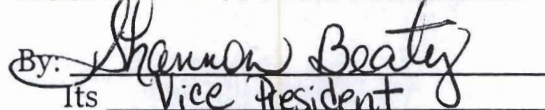
Done this the 24<sup>th</sup> day of September, 2009.

  
Dustin Beaty

KING WILEY & WILLIAMS  
ATTORNEY FOR DUSTIN BEATY  
AND HOSPITAL DISCOUNT PHARMACY

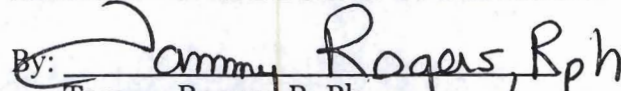
By:   
James C. King, their attorney


HOSPITAL DISCOUNT PHARMACY

By:   
Its Vice President

Done this the 13<sup>th</sup> day of October, 2009.

ALABAMA STATE BOARD OF PHARMACY

By:   
Tammy Rogers, R. Ph.  
Its President

By:   
James S. Ward  
Its Attorney

WARD & WILSON, LLC.  
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