

**BEFORE THE ARKANSAS STATE BOARD OF PHARMACY**

**IN THE MATTER OF  
JAMES E. JONES  
P.D.**

**Case No.  
2003-039**

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

On February 10, 2004 the Arkansas State Board of Pharmacy (hereafter “the Board”) conducted a hearing in the above styled matter. After being duly served with notice thereof, James E. Jones (hereafter “Respondent”) appeared in person. From the testimony of witnesses and other evidence of record, the Board makes the following findings of fact, conclusions of law and order.

FINDINGS OF FACT

1. Respondent held a pharmacist license issued by the Board in 1967; Respondent failed to renew said license at its expiration on December 31, 1996. Respondent has requested that his Arkansas pharmacist license be reinstated.
2. On April 18, 1972, Respondent appeared before the Board upon charges that he willfully and knowingly failed to keep required records of controlled substances, shortages of certain controlled substances, and excessive sales of Robitussin AC. After said hearing, the Board revoked Respondent’s pharmacist license and Respondent appealed that decision to Pulaski County Circuit Court which stayed said revocation.
3. On October 10, 1973, Respondent appeared before the Board upon remand from circuit court. At that appearance, Respondent admitted that he had failed to keep proper records of controlled substances. The Board set aside its order of revocation and suspended Respondent’s pharmacist license until its February 1974 meeting. The Board reinstated Respondent’s pharmacist license at its February 1974 meeting.

4. On or about November 30, 1977, Respondent pled guilty to falsifying business records, Ark. Stat. Ann. §41-2303, in Pulaski County Circuit Court after being charged with unlawfully forging a prescription using the name of Dr. W.W. Childs.

5. On November 14, 2001, the Texas State Board of Pharmacy entered Agreed Order #K-01-015, In the Matter of James Elliot Jones, Respondent herein. The Counts which were the basis for the Board initiating action against Respondent included his conduct as corporate owner of a pharmacy, specifically, unlawful possession of certain drugs labeled for institutional use only and failure to produce records for the drugs, failure to keep DEA order forms and make said records available for inspection, failure to maintain a reference library including certain publications, failure to maintain 2000 annual inventory records and change of pharmacist-in-charge inventory, and, as pharmacist-in-charge, Respondent's failure to maintain complete and accurate records of purchases and disposals of 568,833 ml and 282,657 ml of Promethazine with Codeine during different time periods and failure to establish and maintain effective controls against the diversion or loss of controlled substances. Respondent did not admit or deny these counts but agreed to the entry of said Agreed Order. Said Order suspended Respondent's pharmacist license for one year, and suspended Respondent's pharmacist license for an additional two years should he practice pharmacy and have access to controlled substances in Texas, but probated said suspension upon compliance with certain conditions. Respondent was also ordered to pay a probation fee of \$1,200.00.

6. Respondent's conduct as set forth above constitutes a pattern of failure to comply with applicable law or regulations regarding controlled substances and record keeping for legend drugs and/or controlled substances.

CONCLUSIONS OF LAW

1. The Agreed Order entered by the Texas State Board of Pharmacy against Respondent constitutes disciplinary action taken by a duly authorized professional disciplinary agency of another state which constitutes grounds for the denial of a license pursuant to Ark. Code Ann. § 17-92-311(a)(11)(Repl. 2002).

2. Respondent's guilty plea on or about November 30, 1977 as set forth above constitutes a guilty plea to an act involving the functions and duties of a pharmacist which constitutes grounds for the denial of a license pursuant to Ark. Code Ann. § 17-92-311(a)(3)(Repl. 2002).

ORDER

IT IS THEREFORE ORDERED that Applicant Jones' request for reinstatement of his Arkansas Pharmacist license is denied because of the probationary status of his pharmacist license in another state.

IT IS SO ORDERED this 13th day of February 2004.

ARKANSAS STATE BOARD OF PHARMACY

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CHARLES CAMPBELL, PharmD.  
EXECUTIVE DIRECTOR