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

9 In the Matter of

10 **BHAVESH SONI**

11 Holder of License No. 13212
For the Practice of Pharmacy
12 In the State of Arizona

07-0021-PHR

**CONSENT AGREEMENT
FOR PROBATION**

13
14 **RECITALS**

15 In the interest of a prompt and judicious settlement of this case, consistent with the
16 public interest, statutory requirements and the responsibilities of the Arizona State Board
17 of Pharmacy (“Board”) and under A.R.S. §§ 32 1901, *et. seq.* and 41 1092.07(F)(5),
18 Bhavesh Soni (“Respondent”), holder of Pharmacist License Number 13212 in the State
19 of Arizona, and the Board enter into the following Recitals, Findings of Fact,
20 Conclusions of Law and Order (“Consent Agreement”) as a final disposition of this
21 matter.

22 1. Respondent has read and understands this Consent Agreement and has had
23 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
24 opportunity to discuss this Consent Agreement with an attorney.
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1 2. Respondent understands that he has a right to a public administrative
2 hearing concerning the above-captioned matter, at which hearing he could present
3 evidence and cross examine witnesses. By entering into this Consent Agreement,
4 Respondent knowingly and voluntarily relinquishes all right to such an administrative
5 hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or
6 any other administrative and/or judicial action, concerning the matters set forth herein.

7 3. Respondent affirmatively agrees that this Consent Agreement shall be
8 irrevocable.

9 4. Respondent understands that this Consent Agreement or any part of the
10 agreement may be considered in any future disciplinary action by the Board against him.

11 5. Respondent understands this Consent Agreement deals with Board Case
12 No. 3205 involving allegations of unprofessional conduct against Respondent. The
13 investigation into these allegations against Respondent shall be concluded upon the
14 Board's adoption of this Consent Agreement.

15 6. Respondent understands that this Consent Agreement does not constitute a
16 dismissal or resolution of any other matters currently pending before the Board, if any,
17 and does not constitute any waiver, express or implied, of the Board's statutory authority
18 or jurisdiction regarding any other pending or future investigation, action or proceeding.

19 7. Respondent also understands that acceptance of this Consent Agreement
20 does not preclude any other agency, subdivision, or officer of this State from instituting
21 any other civil or criminal proceedings with respect to the conduct that is the subject of
22 this Consent Agreement.

23 8. All admissions made by the Respondent in this Consent Agreement are
24 made solely for the final disposition of this matter, and any related administrative pro-
25 cedings or civil litigation involving the Board and Respondent. Therefore, any
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1 admissions made by Respondent in this Consent Agreement are not intended for any
2 other use, such as in the context of another regulatory agency's proceedings, or civil or
3 criminal proceedings, whether in the State of Arizona or in any other state or federal
4 court.

5 9. Respondent acknowledges and agrees that, upon signing this Consent
6 Agreement and returning this document to the Board's Executive Director, he may not
7 revoke his acceptance of the Consent Agreement or make any modifications to the
8 document regardless of whether the Consent Agreement has been signed by the Execu-
9 tive Director. Any modification to this original document is ineffective and void unless
10 mutually agreed by the parties in writing.

11 10. Respondent understands that the Consent Agreement shall not become
12 effective unless and until adopted by the Board and signed by its Executive Director.

13 11. If a court of competent jurisdiction rules that any part of this Consent
14 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
15 shall remain in full force and effect.

16 12. Respondent understands and agrees that if the Board does not adopt this
17 Consent Agreement, he will not assert as a defense that the Board's consideration of this
18 Consent Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

19 13. Respondent understands that this Consent Agreement is a public record that
20 may be publicly disseminated as a formal action of the Board and may be reported as
21 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
22 Protection Data Bank.

23 14. Respondent understands that any violation of this Consent Agreement
24 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
25 1901.01(B)(20), -1927(A)(1).

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1 ACCEPTED AND AGREED BY RESPONDENT

2 Bhavesh S.
3 Bhavesh Soni

Dated: 12/26/06

4 Subscribed and sworn to before me in the County of MARICOPA State of AZ,
5 this 26 day of Dec, 2006, by Bhavesh Soni.

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7  NOTARY PUBLIC
8 My Commission Expires 1-27-09
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10 FINDINGS OF FACT

- 11 1. The Arizona State Board of Pharmacy ("Board") is the duly constituted
- 12 authority for licensing and regulating the practice of pharmacy in the State of Arizona.
- 13 2. Bhavesh Soni ("Respondent") is the holder of license number 13212 to
- 14 practice as a pharmacist in the State of Arizona.
- 15 3. During all times relevant to these Findings, Respondent served as the
- 16 Pharmacist in Charge at Walgreen's Pharmacy #4139 in Phoenix, Arizona ("Pharmacy").
- 17 4. On or about August 15, 2006, Board staff received information that the
- 18 Pharmacy had mislabeled a prescription as to the directions for taking the medication.
- 19 5. The prescriber had instructed the patient to self administer Novolin
- 20 70/30 Insulin twice per day. The prescriber's agent called the pharmacy and provided
- 21 different, contradictory, directions to the pharmacy staff. The prescription was then
- 22 scanned and placed in a verification queue. After verification by another Walgreens
- 23 pharmacist, a label was generated at Respondents pharmacy. Respondent was responsible
- 24 for the final check of the instructions on the label. The label generated by the pharmacy
- 25 staff , instructed the patient to administer 36 Units subcutaneously every morning, 30

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1 graduate intern, or pharmacy intern shall document that oral consultation is or is not
2 provided.”).

3 **ORDER**

4 Based upon the above Findings of Fact and Conclusions of Law and under the
5 authority granted to the Board by A.R.S. §§ 32-1928, 41-1092.07(F)(5), and A.A.C. R4-
6 23-122 (c), IT IS HEREBY ORDERED THAT License No. 13212, which was issued to
7 Bhavesh Soni to practice as a Pharmacist in the State of Arizona, is hereby placed on
8 PROBATION for a period of six (6) months, effective on November 9, 2006. During the
9 term of PROBATION, Respondent shall complete the following terms and conditions:

- 10 a. Respondent shall pay a fine of \$1000.00 within sixty (60) days of the
11 effective date of this Order.
- 12 b. Respondent shall complete an eleven (11) hour diabetic education
13 continuing education course(s) offered by Walgreens known as
14 "Diabetes and you".
- 15 c. Respondent shall advise the Board immediately of any change in
16 pharmacy employment status throughout the term of his probation.
- 17 d. Respondent shall furnish the Board with a list of all jurisdictions in
18 which he maintains or has maintained licensure in the profession of
19 pharmacy along with the registration numbers of said licenses.
- 20 e. Respondent shall obey all federal and state laws and rules governing
21 the practice of pharmacy.
- 22 f. Respondent shall appear before the Board at a regularly scheduled
23 meeting after the terms of probation are met to request that the
24 probation imposed by this Order be terminated. Respondent's failure
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to petition the Board to terminate the probation shall extend the probation period.

DATED this 25 day of January, 2007

ARIZONA STATE BOARD OF PHARMACY

(Seal)

By: 
HAL WAND, R.Ph.
Executive Director

ORIGINAL OF THE FORGOING FILED
this 25 day of January 2007 with:

Arizona State Board of Pharmacy
4425 W. Olive Avenue, Suite 140
Glendale, Arizona 85302

EXECUTED COPY OF THE FOREGOING MAILED
BY REGULAR MAIL
this 25 day of January 2007 , to:

Bhavesh Soni
6840 W. Escuda Road
Glendale, Arizona 85308

 01-25-2007

Mr. Dutcher asked Mr. Denick to describe what he is doing in terms of recovery. Mr. Denick stated that he had the same sponsor for the last five years. Mr. Denick stated that he has worked on the steps with his sponsor. Mr. Denick stated that by working the steps he has worked to remove character defects. Mr. Denick stated that working the program has improved his life both professionally and personally. Mr. Denick stated that he had a history of making bad decisions. Mr. Denick stated that he meditates on decisions and no longer makes impulsive decisions. Mr. Denick stated that his decisions were also compounded by his big ego and that caused a lot of problems. Mr. Denick stated that he has learned to keep his impulsiveness in check.

Mr. Denick stated that the program has worked for him and will follow the steps that he has learned in the program because if he does not follow the steps he will end up in trouble again. Mr. Denick stated at this time it is mainly a financial issue.

Mr. Dutcher asked Mr. Denick if he is working as a pharmacist at this time. Mr. Denick replied he had difficulty finding employment because he must work with another pharmacist. Mr. Denick stated that his old employer created a position for him in March. Mr. Denick stated that he is working a mid-shift position with a substantial decrease in pay.

Mr. Dutcher asked Ms. Yates if Mr. Denick was in compliance with his PAPA contract. Ms. Yates replied yes.

On motion by Dr. Smidt and Mr. Dutcher, the Board unanimously agreed to allow Mr. Denick to terminate his participation in the PAPA program since he has completed his contract and the remainder of the Board's consent order stays intact.

#3 Bhavesh Soni

Bhavesh Soni appeared on his own behalf to request the termination of his probation per Board Order 07-0021-PHR.

President Van Hassel opened the discussion by asking Mr. Soni to describe the nature of his request. Mr. Soni stated that he is requesting the termination of his probation.

Mr. Van Hassel asked Mr. Soni how long he has been on probation. Mr. Soni stated that he has been on probation for 6 months.

Mr. Dutcher asked Mr. Soni if he has met all the conditions of the consent order. Mr. Soni replied that he has met all the conditions.

On motion by Mr. Dutcher and Mr. McAllister, the Board unanimously approved Mr. Soni's request to terminate his probation per Board Order 07-0021-PHR.

#4 Preston Hooper

Preston Hooper appeared on his own behalf to request that his Board Order 05-0028-PHR be amended to allow him to be a Pharmacist In Charge or a Preceptor. Lisa Yates from the PAPA program was also present.

President Van Hassel opened the discussion by asking Mr. Hooper to describe the nature of his request. Mr. Hooper stated that he is requesting that his Board Order be amended to allow him to be a Pharmacist