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8 Attorneys for the Arizona State Board of Pharmacy

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

10
11 In the Matter of

12 Red Mountain Pharmacy

13
14 Pharmacy Permit
15 No. 5142 in the
16 State of Arizona

Board Case No. 14-0008-PHR

**CONSENT AGREEMENT
FOR CIVIL PENALTY**

17 In the interest of a prompt and judicious settlement of this case, consistent with the
18 public interest, statutory requirements and the responsibilities of the Arizona State Board
19 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Red Mountain Pharmacy
20 ("Respondent"), holder of Pharmacy Permit Number 5142 in the State of Arizona, and
21 the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and
22 Order ("Consent Agreement") as a final disposition of this matter.

23 **RECITALS**

24 1. Respondent has read and understands this Consent Agreement and has had
25 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
26 opportunity to discuss this Consent Agreement with an attorney.

1 2. Respondent understands that it has a right to a public administrative hearing
2 concerning this matter at which hearing it could present evidence and cross examine
3 witnesses. By entering into this Consent Agreement, Respondent knowingly and
4 voluntarily relinquishes all right to such an administrative hearing, as well as rights of
5 rehearing, review, reconsideration, appeal, judicial review or any other administrative
6 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 it.

11 5. Respondent understands this Consent Agreement deals with Board
12 Complaint No. 4274 involving allegations of unprofessional conduct against Respondent.
13 The 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. Respondent acknowledges and agrees that, upon signing this Consent
24 Agreement and returning this document to the Board's Executive Director, it may not
25 revoke its acceptance of the Consent Agreement or make any modifications to the
26 document regardless of whether the Consent Agreement has been signed by the

1 Executive Director. Any modification to this original document is ineffective and void
2 unless mutually agreed by the parties in writing.

3 9. This Consent Agreement is subject to the approval of the Board and is
4 effective only when accepted by the Board and signed by the Executive Director. In the
5 event that the Board does not approve this Consent Agreement, it is withdrawn and shall
6 be of no evidentiary value and shall not be relied upon nor introduced in any action by
7 any party, except that the parties agree that should the Board reject this Consent
8 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the
9 Board was prejudiced by its review and discussion of this document or any records
10 relating thereto.

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

14 11. Respondent understands that this Consent Agreement is a public record that
15 may be publicly disseminated as a formal action of the Board and may be reported as
16 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
17 Protection Data Bank.

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

21 13. Respondent agrees that the Board will adopt the following Findings of Fact,
22 Conclusions of Law and Order.

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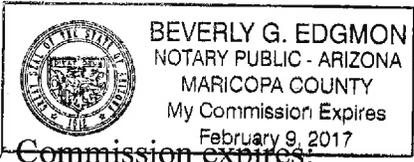
1 **ACCEPTED AND AGREED BY RESPONDENT**

2 [Signature]
3 pharmacist in charge (PIC)

Dated: 6/13/14

4 Red Mountain Pharmacy

5
6 Subscribed and sworn to before me in the County of Pinal, State of Arizona,
7 this 13th day of June, 2014, by Dawn Xuan Tran Hoang
8 for Red Mountain Pharmacy.



9 [Signature]
10 NOTARY PUBLIC

11 My Commission expires: 2-9-2017

12 **FINDINGS OF FACT**

13 1. The Board is the duly constituted authority for licensing and regulating the
14 practice of pharmacy in the State of Arizona.

15 2. Respondent is the holder of pharmacy permit No. 5142 in the State of
16 Arizona.

17 3. During all relevant times to these findings, Respondent operated as a
18 pharmacy located at 6282 E. Brown Road, Suite 101, Mesa, Arizona 85207.

19 4. On March 26, 2013 patient B. B. picked up a prescription for Estradiol 1.5
20 mg capsules. On April 16, 2013 Respondent received a new prescription for patient B. B.
21 for Estradiol 1.0 mg tablets. Because she had picked up a prescription for estradiol on
22 March 26, 2013 patient B. B. asked that her new prescription be placed on hold until she
23 was due for a refill at which time she believed that she would receive the Estradiol 1.0
24 mg tablets.
25
26

PAID
6-13-14

1 1. Respondent shall pay a civil penalty of \$1,000.00 for the violations
2 described in paragraphs 5, 6 and 7 in the Findings of Fact within 90 days of the effective
3 date of this Order.

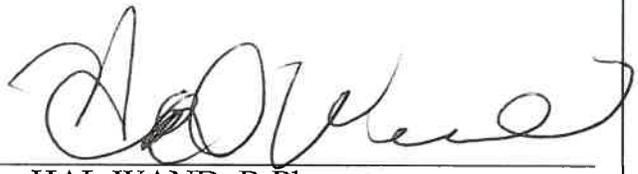
4 2. Respondent shall pay all costs associated with complying with this Consent
5 Agreement.

6 3. If Respondent violates this Order in any way or fails to fulfill the
7 requirements of this Order, the Board, after giving the Respondent notice and the
8 opportunity to be heard, may revoke, suspend or take other disciplinary actions against
9 Respondent's license. The issue at such a hearing will be limited solely to whether this
10 Order has been violated.

11
12 DATED this 7th day of July, 2014.

13
14 ARIZONA STATE BOARD OF PHARMACY

15 (Seal)

16
17 By: 
18 HAL WAND, R.Ph.
Executive Director

19 ORIGINAL OF THE FOREGOING FILED
20 this 07 day of July, 2014 with:

21 Arizona State Board of Pharmacy
22 1616 W. Adams St.
23 Phoenix, Arizona 85007

24 EXECUTED COPY OF THE FOREGOING MAILED
25 BY CERTIFIED MAIL
26 this 07 day of July, 2014 to:

Red Mountain Pharmacy
6828 E. Brown Road, Suite 101
Mesa, Arizona 85207

1 EXECUTED COPY OF THE FOREGOING MAILED

2 this 07 day of July, 2014 to:

3 Montgomery Lee
4 Assistant Attorney General
5 1275 W. Washington Street, CIV/LES
6 Phoenix, Arizona 85007
7 Attorney for the Board

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9 _____
10 Doc #3781878

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