

SEP 03 2014
Arizona State Board of Pharmacy

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

11
12 In the Matter of

Board Case No. 14-0011-PHR

13
14 **PharMerica**

CONSENT AGREEMENT

15
16 Holder of Pharmacy Permit No. Y002939
in the State of Arizona.

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19 In the interest of a prompt and judicious settlement of this case, consistent with the
20 public interest, statutory requirements and the responsibilities of the Arizona State Board
21 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, PharMerica, holder of Pharmacy
22 Permit Number Y02939 in the State of Arizona ("Respondent"), and the Board enter into
23 the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent
24 Agreement") as a final disposition of this matter.

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1 8. Respondent acknowledges and agrees that, upon signing this Consent
2 Agreement and returning this document to the Board's Executive Director, it may not
3 revoke its acceptance of the Consent Agreement or make any modifications to the
4 document regardless of whether the Consent Agreement has been signed by the
5 Executive Director. Any modification to this original document is ineffective and void
6 unless mutually agreed by the parties in writing.

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9 In the event that the Board does not approve this Consent Agreement, it is withdrawn and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

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

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

22 12. Respondent understands that any violation of this Consent Agreement
23 constitutes unethical conduct and may result in disciplinary action. A.R.S. §§ 32-
24 1901.01(A) and A.R.S. § 32-1927.02(A).

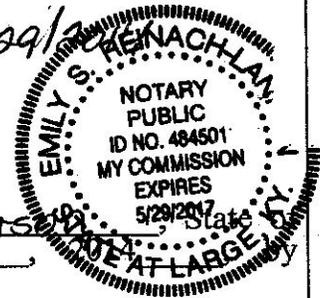
25 13. Respondent agrees that the Board will adopt the following Findings of Fact,
26 Conclusions of Law and Order.

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2 ACCEPTED AND AGREED BY RESPONDENT

3
4 Thomas H. Caneris

Dated: 08/29/2017

5 _____, on behalf of PharMerica



6
7 Subscribed and sworn to before me in the County of Jefferson
8 Kentucky, this 29 day of August
9 Thomas H. Caneris, on behalf of PharMerica.

10 Emily S. Reinach-Lanier
11 NOTARY PUBLIC

12 My Commission expires: 05/29/2017

13 **FINDINGS OF FACT**

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

16 2. Respondent is the holder of Pharmacy Permit Number Y002939 allowing it
17 to operate a pharmacy in Arizona.

18 3. In late October 2013 a person was related to one of Respondent's staff
19 pharmacists but who was not an employee of Respondent or acting in any official
20 capacity was permitted into the pharmacy area and was allowed to remain for
21 approximately 15 minutes.

22 4. On or about January 6, 2014 during the course of investigating complaints
23 4280 and 4281 at the Pharmacy, Board staff observed a broken Fresnel lens light cover
24 within the IV hood was cracked.
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ORDER

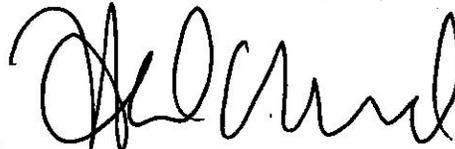
Based upon the above Findings of Fact and Conclusions of Law, the Board issues the following Order:

1. Respondent shall be subject to two random unannounced inspections by Board staff within one year of the effective date of this Consent Agreement. All costs incurred in conducting the inspections shall be paid by Respondent.

DATED this 24 day of October, 2014.

ARIZONA STATE BOARD OF PHARMACY

(Seal)



By:

HAL WAND, R.Ph.
Executive Director

ORIGINAL OF THE FOREGOING FILED this 24 day of October, 2014 with:

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

COPY OF THE FOREGOING MAILED BY CERTIFIED MAIL this 24 day of October, 2014 to:

PharMerica
8826 N. 23rd. Avenue, Suite C-2
Phoenix, Arizona 85021
Respondent

COPY OF THE FOREGOING MAILED this 24 day of October, 2014 to:

Montgomery Lee
Assistant Attorney General
1275 W. Washington Street, CIV/LES
Phoenix, Arizona 85007
Attorney for the State of Arizona

Doc # 3788706