

Received By:
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Arizona State Board of Pharmacy

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

9
10 In the Matter of
11 **Jacqueline Cavanagh**
12 Holder of License No. S014907
As a Pharmacist
13 In the State of Arizona.

Board Case No. 15-0002-PHR
**CONSENT AGREEMENT FOR
PROBATION, CIVIL PENALTY
AND CONTINUING EDUCATION**

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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") under A.R.S. § 32-1901, *et. seq.*, Jacqueline Cavanagh
18 ("Respondent"), holder of Pharmacist License No. 5014907 in the State of Arizona and
19 the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and
20 Order ("Consent Agreement") as a final disposition of this matter.

21 **RECITALS**

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 she has a right to a public administrative
2 hearing concerning this matter at which hearing she could present evidence and cross
3 examine 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 her.

11 5. Respondent understands this Consent Agreement deals with Board
12 Complaint No. 4237 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, she may not
25 revoke her acceptance of the Consent Agreement or make any modifications to the
26 document regardless of whether the Consent Agreement has been signed by the Executive

1 Director. Any modification to this original document is ineffective and void unless
2 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 any
7 party, except that the parties agree that should the Board reject this Consent Agreement
8 and this case proceeds to hearing, Respondent shall assert no claim that the Board was
9 prejudiced by its review and discussion of this document or any records relating thereto.

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

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

17 12. Respondent understands that any violation of this Consent Agreement
18 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§
19 321901.01(B) (20) and A.R.S. § - 1927(A) (1).

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

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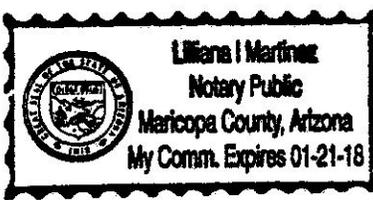
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1 ACCEPTED AND AGREED BY RESPONDENT:

2
3 Jacqueline Cavanagh
4 Jacqueline Cavanagh

Dated: 10/31/14

5 Subscribed and sworn to before me in the County of Maricopa, State of Arizona
6 31st, this October day of _____, 2014, by Jacqueline Cavanagh.



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8 [Signature]
9 NOTARY PUBLIC
10 My Commission expires: 01-21-18

11 FINDINGS OF FACT

- 12 1. The Board is the duly constituted authority for licensing and regulating the practice of pharmacy in the State of Arizona.
- 13 2. Respondent is the holder of license number SO14907 to practice as a pharmacist in the State of Arizona.
- 14 3. During all relevant times to these findings, Respondent worked as a pharmacist at Phoenix Children's Hospital Outpatient Pharmacy located at 1919 E. Thomas Rd., Phoenix, Arizona (the "Pharmacy").
- 15 4. On or about May 16, 2014 through June 2, 2014 Pharmacy Board compliance officers received information regarding possible violations by Respondent relating to supervision of compounding technicians and improper compounding practices.
- 16 5. On or about June 2, 2014 Pharmacy Board compliance officers conducted and inspection of the Pharmacy and interviewed Respondent regarding the possible violations.
- 17 6. During the inspection on June 2, 2014 Pharmacy Board compliance officers interviewed pharmacist Jacqueline Cavanagh who informed them that, based

1 on instruction from the pharmacist in charge, on some occasions she would not verify
2 compounds prepared by technicians.

3 CONCLUSIONS OF LAW

4 1. The Board possesses jurisdiction over the subject matter and over
5 respondents pursuant to A.R.S. § 32-1901 et seq.

6 2. The Board may discipline a pharmacist for engaging in unprofessional
7 conduct pursuant to A.R.S. § 32-1927(A) (1).

8 3. The conduct and circumstances described above constitutes unprofessional
9 conduct pursuant to A.R.S. § 32-1901.01(B)(2) (Violating a federal or state law or
10 administrative rule relating to the manufacture or distribution of drugs or devices or the
11 practice of pharmacy). Specifically, A.A.C. R4-23-410 (C) (1).

12 ORDER

13 Based upon the above Findings of Fact and Conclusions of Law, IT IS HEREBY
14 ORDERED THAT Respondent shall:

15 1. Respondent's Pharmacist License No. 5014907 is hereby placed on
16 PROBATION for a period of six months upon the adoption of this Consent Agreement by
17 the Board.

18 2. Pay a civil penalty of \$3,000.00 within 180 days of the effective date of this
19 Order; and

20 3. Successfully complete and provide proof of successful completion to the
21 Board of a training course in compounding. The required course(s) must be completed
22 within 180 days of the effective date of this Order, must be pre-approved by Board staff,
23 and shall be in addition to the requirements of A.R.S. § 32-1936 and A.A.C. R4-23-204.

24 4. Respondent shall pay all costs associated with complying with this Consent
25 Agreement.

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

6. If Respondent pays the \$3,000 civil penalty in paragraph 2 of this Order and provides proof of successful completion of the education requirements of paragraph 3 of this Order to Board Staff before the end of the six month probationary period, this PROBATION terminates.

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

DATED this 10th day of July, 2014.

ARIZONA STATE BOARD OF PHARMACY
(Seal)
By: 
HAL WAND, R.Ph.
Executive Director

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ORIGINAL OF THE FORGOING FILED
This 10 day of December, 2014, with:

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

EXECUTED COPY OF THE FOREGOING MAILED
BY CERTIFIED MAIL

This 10 day of December, 2014, to:

Jacqueline Cavanagh
11640 N. Tatum Blvd., #2089
Phoenix, Arizona 85028
Respondent

Roger Morris
Christine Cassetta
Quarles & Brady, LLP
One Renaissance Square
Two North Central Avenue
Phoenix, Arizona 85004
Attorneys for Respondent

EXECUTED COPY OF THE FOREGOING MAILED
This 10 day of December, 2014, to:

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