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AZ BOARD OF PHARMACY

BEFORE THE ARIZONA STATE BOARD OF PHARMACY

In the Matter of **Amber Graves,** Holder of License No. T028457 As a Pharmacy Technician In the State of Arizona	Board Case No. 15-0014-PHR **CONSENT AGREEMENT AND ORDER FOR REVOCATION OF LICENSE**

In the interest of a prompt and judicious settlement of this case, consistent with the public interest, statutory requirements and the responsibilities of the Arizona State Board of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Amber Graves ("Respondent"), holder of Pharmacy Technician License Number T028457 in the State of Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final disposition of this matter.

RECITALS

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

2. Respondent understands that she has a right to a public administrative hearing concerning this matter at which hearing she could present evidence and cross examine witnesses. By entering into this Consent Agreement, Respondent knowingly and voluntarily relinquishes all right to such an administrative hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial action, concerning the matters set forth herein.

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

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

5. Respondent understands this Consent Agreement deals with Board complaint number 4379 involving allegations of unprofessional conduct against Respondent. The investigation into these allegations against Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

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

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

8. Respondent acknowledges and agrees that, upon signing this Consent Agreement and returning this document to the Board's Executive Director, she may not revoke her acceptance of the Consent Agreement or make any modifications to the

document regardless of whether the Consent Agreement has been signed by the Executive Director. Any modification to this original document is ineffective and void unless mutually agreed by the parties in writing.

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

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

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

12. Respondent understands that any violation of this Consent Agreement constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-1901.01(C) (16), -1927.01(A) (1).

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

ACCEPTED AND AGREED BY RESPONDENT

Amber Graves

Amber Graves

Dated: 1/8/15

Subscribed and sworn to before me in the County of Maricopa, State of Arizona, this 8 day of Jan, 2015 by Amber Graves.

ERIC UTESCH
Notary Public - Arizona
Maricopa County
My Comm. Expires Feb 19, 2018

Eric Utesch

NOTARY PUBLIC

My Commission expires: Feb 19, 2018

FINDINGS OF FACT

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

2. Respondent is the holder of license number T028457 to practice as a pharmacy technician in the State of Arizona.

3. During all relevant times to these findings, Respondent worked as a pharmacy technician at Walgreens Pharmacy #5569 located at 1315 East Chandler Boulevard, Phoenix, Arizona (the "Pharmacy").

4. On or about August 6, 2014 during an investigation of missing controlled substances at the Pharmacy Respondent was interviewed and admitted stealing controlled substances from the Pharmacy stock shelves without a valid prescription and without paying for the medication. Walgreens Pharmacy personnel conducted an inventory of

missing drugs at the Pharmacy and determined that over 2,800 tablets of varying strengths of Hydrocodone and Oxycodone valued at cost of $1,987.97 were missing.

CONCLUSIONS OF LAW

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

2. The Board may discipline a pharmacy technician who has engaged in unprofessional conduct. A.R.S. § 32-1927.01(A) (1).

3. The conduct and circumstances described above constitutes unprofessional conduct pursuant to A.R.S. § 32-1901.01(C) (2) (Violating a federal or state law or administrative rule relating to the manufacture or distribution of drugs or devices).

4. The conduct and circumstances described above constitutes unprofessional conduct pursuant to A.R.S. § 32-1901.01 (C) (6) (Committing a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude or any drug related offense).

5. The conduct and circumstances described above constitutes a violation of A.R.S. § 32-1968 (A) (A prescription-only drug shall be dispensed only on a written or electronically transmitted prescription from a licensed medical practitioner).

ORDER

Based upon the above Findings of Fact and Conclusions of Law above, the Board hereby enters its order revoking Respondent's Pharmacy Technician License No. T028457. Respondent may not apply for reinstatement of this license and may not apply for any other license or permit from the Board for two (2) years from the effective date of this Consent Agreement.

DATED this 29 day of January, 2015.

ARIZONA STATE BOARD OF PHARMACY

(Seal)

By: _____
HAL WAND, R.Ph.
Executive Director

ORIGINAL OF THE FORGOING FILED
this 29 day of January, 2015, with:

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

EXECUTED COPY OF THE FOREGOING MAILED
BY CERTIFIED MAIL
this 29 day of January, 2015, to:

Amber Graves
4411 East Chandler Boulevard, #1076
Phoenix, Arizona 85048
Respondent

EXECUTED COPY OF THE FOREGOING MAILED
this 29 day of January, 2015, to:

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

_____

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