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

10 In the Matter of

11 **Soheila Soraya**

12 Holder of License No. S009159
13 As a Pharmacist
14 In the State of Arizona

Board Case No. 16-0001-PHR

**CONSENT AGREEMENT
FOR CIVIL PENALTY, PRACTICE
RESTRICTION AND INSPECTION**

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.*, Soheila Soraya ("Respondent"),
18 holder of Pharmacist License No. S009159 in the State of Arizona and the Board enter
19 into the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent
20 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
4 and voluntarily relinquishes all right to such an administrative hearing, as well as rights
5 of 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. 4413 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

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

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6 event that the Board does not approve this Consent Agreement, it is withdrawn and shall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

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

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

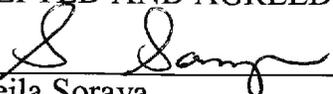
19 12. Respondent understands that any violation of this Consent Agreement
20 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
21 1901.01(B) (20) and A.R.S. § - 1927(A) (1).

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

24 ...

25 ...

1 ACCEPTED AND AGREED BY RESPONDENT

2 
3 Soheila Soraya
4 Respondent

2015 OCT 23 PM 12:15
Dated: 10-23-15

5 **FINDINGS OF FACT**

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

8 2. Respondent is the holder of license number S009159 to practice as a
9 pharmacist in the State of Arizona.

10 3. During all relevant times to these findings, Respondent was co-owner and
11 worked as the Pharmacist-in-Charge at Ranch Pharmacy (the "Pharmacy") located at
12 10769 N. Frank Lloyd Wright Blvd., Scottsdale, Arizona.

13 4. On December 10, 2014, Respondent and the Board entered into a Consent
14 Agreement For Civil Penalty, Examination and Inspections ("2014 Consent") to address
15 Respondent's unprofessional conduct in case no. 4319. As part of that 2014 Consent,
16 Respondent was required to pass an unannounced inspection within one (1) year of the
17 signed 2014 Consent.

18 5. On April 15, 2015, Board staff conducted the unannounced inspection at
19 the Ranch Pharmacy where Respondent is the Pharmacist In Charge. During the
20 inspection, it was discovered that Respondent, through Ranch Pharmacy, made
21 approximately 1,000 purchase transactions from approximately 600 pharmacies in 32
22 states, the majority of which did not possess an Arizona permit. The Respondent receives
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1 and ships unopened and opened, partial containers from/to other in-state and out-of-state
2 pharmacies via the internet. Respondent acknowledged that she dispenses drugs received
3 through this program if she could not obtain the drugs from her wholesaler. There is no
4 way to ensure that drugs received in opened, partial containers via the internet continue to
5 meet official compendium standards.
6

7 6. In addition, during the inspection it was noted that an expired drug was
8 found on the shelf. Specifically, one 60 dram green Rx vial exhibiting a partial CVS label
9 and containing Tizanidine HCL was found on the shelf.
10

11 7. Moreover, a prescription label-controlled substance audit revealed that 21
12 of 29 Oxycodone prescriptions were mislabeled. NDC that was selected in the computer
13 for the prescriptions was 00406-0552-01. No purchases for this NDC were found among
14 the controlled substance Invoices.
15

16 8. Respondent failed to comply with the December 2014, Consent Agreement
17 and Order in that she did not pass the random inspection as required.
18

18 CONCLUSIONS OF LAW

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

21 2. The Board may discipline a pharmacist who has engaged in unprofessional
22 conduct. A.R.S. § 32-1927(A) (1).

23 3. The conduct and circumstances described above constitutes unprofessional
24 conduct pursuant to A.R.S. §32-1901.01(B)(2), (19) and (20) as it is relates to Arizona
25 Administrative Code R4-23-611(B)(1)(b) and (B)(2) and A.A.C. R4-23-611(B)(4)(b)(ii)
26 and A.R.S. §32-1967(A)(1) and A.A.C. R4-23-407(A)(1)(d).

1 **ORDER**

2 Based upon the above Findings of Fact and Conclusions of Law, IT IS HEREBY
3 ORDERED THAT:

4 1. Respondent's license as Pharmacist shall be placed on probation for a
5 minimum period of twelve (12) months beginning on the effective date of this
6 Consent Agreement. The effective date of this Consent Agreement is the date it is
7 signed by the Board's Executive Director.

8 2. During the period of probation, Respondent shall not act as a Pharmacist-
9 in-Charge at any pharmacy in the State of Arizona.

10 3. Within ninety (90) days of the effective date of this Order Respondent shall
11 pay to the Board a civil penalty in the sum of \$10,000.00.

12 4. During the period of probation, Respondent shall be subject to and shall
13 pass one (1) random unannounced inspection. Respondent shall bear all costs associated
14 with this inspection.

15 5. Respondent's probation, including the practice restriction, shall continue
16 until (a) Respondent petitions the Board for termination as provided in paragraph 5 and
17 (b) the Board terminates the probation and practice restriction.

18 6. If the Board determines that Respondent has not complied with **all** the
19 requirements of this Consent Agreement, the Board, in its sole discretion, may either: (a)
20 continue the probation, including the practice restriction; or (b) institute proceedings for
21 noncompliance with this Consent Agreement, which may result in the suspension or
22 revocation of Respondent's license.

23 7. If, between the effective date of this Consent Agreement and the
24 termination of Respondent's probation, Respondent fails to renew her license while under
25 this Consent Agreement and subsequently applies for a license, the remaining terms of
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1 this Consent Agreement, including probation and practice restriction, shall be imposed if
2 the application for license is granted.

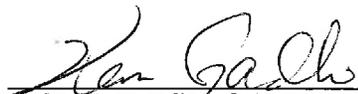
3 8. Respondent understands that this Consent Agreement is a public record that
4 may be publicly disseminated as a formal action.

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

10
11 DATED this 18th day of November, 2015.

12
13 ARIZONA STATE BOARD OF PHARMACY

14 (Seal)

15
16 By: 

17 KAMLESH GANDHI, PharmD
Executive Director

18 ORIGINAL OF THE FORGOING FILED
19 this 18th day of November, 2015, with:

20 Arizona State Board of Pharmacy
21 1616 W. Adams Street
Phoenix, Arizona 85007

22 EXECUTED COPY OF THE FOREGOING MAILED
23 BY CERTIFIED MAIL

this 7th day of January, 2016, to:

24 Soheila Soraya
25 8750 E. San Pedro Drive
Scottsdale, Arizona 85258
26 Respondent

1 Christine Casetta
Attorney for Ms. Soraya
2 Quarles & Brady
One Renaissance Square
3 Two North Central Ave.
Phoenix, AZ 85004
4

5 EXECUTED COPY OF THE FOREGOING MAILED
this 7th day of January, 2016, to:
6

7 Jeanne M. Galvin
Assistant Attorney General
8 1275 W. Washington Street, SGD/LES
Phoenix, Arizona 85007
9 Attorney for the Board
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