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7 Attorneys for the Arizona State Board of Pharmacy

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

11 In the Matter of:
12 **ROBERT GOODWILLIE,**
13 Holder of License No. S011971
As a Pharmacist
14 In the State of Arizona.

Board Case No. 16-0006-PHR
**CONSENT AGREEMENT AND
ORDER FOR SUSPENSION**

15
16 In the interest of a prompt and judicious settlement of this case, consistent with the
17 public interest, statutory requirements and the responsibilities of the Arizona State Board
18 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Robert Goodwillie
19 ("Respondent"), holder of Pharmacist License No. S011971 in the State of Arizona and
20 the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and
21 Order ("Consent Agreement") as a final disposition of this matter.

22 **RECITALS**

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

1 2. Respondent understands that he has a right to a public administrative
2 hearing concerning this matter at which hearing he 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 him.

11 5. Respondent understands this Consent Agreement deals with Board
12 Complaint No. 4460 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, he may not
25 revoke his 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) and A.R.S. § 32-1927(A)(1).

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

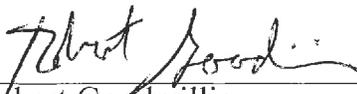
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1 ACCEPTED AND AGREED BY RESPONDENT

2
3 
4 Robert Goodwillie

Dated: 2/29/2016

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 S011971 which allows him to
9 practice as a pharmacist in the State of Arizona.

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

12 4. Prior to his termination in March 2015, Respondent was employed as a
13 pharmacist at Yuma Regional Medical Center (“Pharmacy”). On March 4, 2015,
14 Pharmacy personnel reported to the Director of Pharmacy that Respondent had
15 compounded multiple sterile chemotherapy infusions for a single patient using products
16 that Respondent knew were beyond their manufacturer labeled expiration dates.

17 5. Upon investigation, it was determined that Respondent used 13 vials
18 involving three different chemotherapeutic agents to compound four different infusion
19 solutions. Of those 13 vials, 10 were found to be expired. Respondent dispensed the
20 infusions to the nursing unit and all were administered to the patient.

21 6. In order to avoid detection, Respondent also obscured the vials’ expiration
22 dates from the pharmacist who was performing the second visual check.

23 7. During the course of both the Pharmacy’s investigation and the Board’s,
24 Respondent acknowledged to engaging in the conduct set forth in paragraphs five (5) and
25 six (6).
26

1 CONCLUSIONS OF LAW

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

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

6 3. The conduct and circumstances described above constitutes unprofessional
7 conduct pursuant to A.R.S. § 32-1901.01(B)(2) (Violating any federal or state law, rule or
8 regulation relating to the manufacture or distribution of drugs and devices or the practice
9 of pharmacy).

10 4. The conduct described above violated Arizona Administrative Code
11 R4-23- 402(C)(1)(A) (Before dispensing a compounded pharmaceutical product, a
12 pharmacist inspects and approves or rejects, or assumes responsibility for
13 inspecting and rejecting, components, pharmaceutical product containers and
14 closures, in-process materials, and labeling).

15 ORDER

16 Based upon the above Findings of Fact and Conclusions of Law,

17 IT IS HEREBY ORDERED THAT Pharmacist License No. S011971, which was
18 issued to Respondent for the practice of Pharmacy in the State of Arizona, is hereby
19 placed on **SUSPENSION** for a minimum period of six (6) months beginning the
20 effective date of this Consent Agreement. During the period of suspension, Respondent
21 shall not practice as a Pharmacist in the State of Arizona or hold himself out as being a
22 licensed pharmacist in the State of Arizona. The effective date of this Consent Agreement
23 is the date it is signed by the Board's Executive Director. To seek the lifting of the
24 suspension of Respondent's license, Respondent shall affirmatively petition the Board to
25 lift the suspension in accordance with paragraph seven (7) below.

1 The SUSPENSION is subject to the following terms and conditions:

2 1. Respondent shall return his original pharmacist license to the Board for the
3 duration of the suspension.

4 2. During the period of suspension, Respondent shall not practice pharmacy in
5 the State of Arizona or hold himself out as a pharmacist authorized to practice pharmacy
6 in this State. Nor shall Respondent work in any capacity that would require licensure as a
7 pharmacist.

8 3. Prior to Respondent seeking the lifting of the suspension, he shall take and
9 successfully pass both the NAPLEX and MPJE examinations.

10 4. Respondent shall pay the sum of \$10,000.00 in civil penalties (\$1,000.00
11 civil penalty for each vial of expired medication utilized in compounding the infusion
12 solutions) to the Board within sixty (60) days of the effective date of this Consent
13 Agreement.

14 5. Respondent shall complete 26.5 hours of continuing education in the areas
15 of ethics, patient safety, and quality assurance. This continuing education is in addition
16 to the hours required for the renewal of Respondent's license. The Board recognizes and
17 accepts the 26.5 hours of continuing education completed by Respondent in the above-
18 referenced areas as satisfaction of this requirement. Respondent shall submit to the
19 Board the certificates of completion for this continuing education within 3 weeks of the
20 effective date of this Consent Agreement.

21 6. In addition, prior to lifting the suspension of Respondent's license,
22 Respondent shall take and successfully complete eighteen (18) hours of continuing
23 education from The Peer Rx Program. This continuing education is in addition to the
24 hours required for the renewal of Respondent's license. Respondent shall submit to the
25 Board the certificate of completion for this continuing education within 3 weeks of the
26 completing the course.

1 7. No sooner than six (6) months after the effective date of this Order,
2 Respondent may ask to appear before the Board at a regularly scheduled meeting for the
3 purpose of requesting that the suspension of his license be lifted. For the suspension to
4 be lifted, Respondent shall, among other things, successfully demonstrate that he has
5 timely complied with the terms and conditions set forth above. Respondent's failure to
6 petition the Board to lift the suspension shall extend the suspension period.

7 8. If the Board lifts the suspension, the Board shall (1) return respondent's
8 original license to him and (2) immediately place the license on probation for a minimum
9 period of three (3) years.

10 9. No sooner than three (3) years from the start date of the probation,
11 Respondent may ask to appear before the Board at a regularly scheduled meeting for the
12 purpose of requesting that the probation be terminated. Respondent's failure to petition
13 the Board to terminate the probation shall extend the probation period.

14 10. Respondent shall pay all necessary fees and complete all continuing
15 education requirements throughout the term of his suspension and probation to maintain
16 Pharmacist License No. S011971. If Respondent fails to renew his license while subject
17 to this Order, Respondent shall be prohibited from applying for a new license during the
18 period of time covered by this Order. Thereafter, should Respondent want to be licensed
19 as a pharmacist in Arizona, he shall submit a new application for licensure and meet all
20 of the requirements that are set forth in statute and rule at the time the application is
21 submitted.

22 11. Respondent shall obey all federal and state laws and rules governing the
23 practice of pharmacy.

24 12. Throughout the term of Respondent's suspension and probation Respondent
25 shall personally appear before the Board when requested to do so by the Board or Board
26 staff.

1 13. Respondent shall pay all costs associated with complying with this Consent
2 Agreement, including all expenses associated with taking the NAPLEX and MPJE
3 examinations.

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

9
10 DATED this 9 day of March, 2016.

11 ARIZONA STATE BOARD OF PHARMACY

12 (Seal)

13
14 By: 
15 KAMLESH GANDHI, PharmD
Executive Director

16 ORIGINAL OF THE FOREGOING FILED
17 this 9 day of March, 2016 with:

18 Arizona State Board of Pharmacy
19 1616 W. Adams Street
Phoenix, Arizona 85007

20 EXECUTED COPY OF THE FOREGOING MAILED
21 BY CERTIFIED MAIL
this 9 day of March, 2016 to:

22 Robert Goodwillie
23 4139 Highlander Avenue
Lake Havasu City, Arizona 86406
24 Respondent

25 Kenneth R. Baker
26 Attorney at Law
Renaud Cook Drury Mesaros PA
One North Central Ave.
Ste. 900
Phoenix, Arizona 85004-4417

PHR 9 16 2:59PM

1 EXECUTED COPY OF THE FOREGOING MAILED
2 this 9 day of March, 2016 to:

3 Jeanne M. Galvin
4 Assistant Attorney General
5 1275 W. Washington Street, SGD/LES
6 Phoenix, Arizona 85007
7 Attorney for the Board

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