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2016 OCT 27 PM 3:00

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

10
11 In the Matter of

Board Case No. 16-0020-PHR

12 **DANIEL MASON, Pharmacist**

**CONSENT AGREEMENT
FOR CIVIL PENALTY AND
CONTINUING EDUCATION**

13 Holder of License No. S008062
14 As a Pharmacist
15 In the State of Arizona

16
17 In the interest of a prompt and judicious settlement of this case, consistent with the
18 public interest, statutory requirements and the responsibilities of the Arizona State Board
19 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Daniel Mason ("Respondent"),
20 holder of Pharmacist License S008062 in the State of Arizona, and the Board enter into
21 the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent
22 Agreement") as a final disposition of this matter.

23 **RECITALS**

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

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 number 4482 involving allegations of unprofessional conduct against
13 Respondent. The investigation into these allegations against Respondent shall be
14 concluded upon the Board's adoption of this Consent Agreement and Respondent's
15 compliance with the same.

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

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

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

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

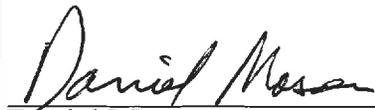
13 10. If a court of competent jurisdiction rules that any part of this Consent
14 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
15 shall remain in full force and effect.

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

20 12. Respondent understands that any violation of this Consent Agreement
21 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
22 1901.01(B)(20), -1927(A) (1).

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

1 ACCEPTED AND AGREED BY RESPONDENT

2 

3 Daniel Mason
4 Licensed Pharmacist

Dated: 10-26-2016

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6 **FINDINGS OF FACT**

7 1. The Board is the duly constituted authority for licensing and regulating the
8 practice of pharmacy in the State of Arizona.
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10 2. Respondent is the holder of license number S008062 to practice as a
11 Pharmacist in the State of Arizona.

12 3. During all relevant times to these findings, Respondent was the Pharmacist
13 In Charge at Arizona Senior Care Pharmacy (now PharmCare USA) located at 2727 W.
14 Baseline Road, Tempe, AZ 85283.
15

16 4. The complaint was filed by Pat Greenquist, State Licensing Surveyor,
17 Bureau of Residential Licensing, Arizona Department of Health Services, alleging that an
18 assisted living resident A.W., was hospitalized twice after receiving the wrong
19 medication in a prepackaged medication strip provided by Arizona Senior Care
20 Pharmacy.
21

22 5. A.W.'s prescription was for Ropinirole 1mg but she was dispensed
23 Risperidone 1mg.

24 6. Specifically, Pharmacy Technician Luther Peterson filled the automation
25 packaging tablet cassette labeled Ropinirole 1mg with Risperidone 1 mg. Ropinirole is
26

1 in-charge shall (1) prepare, implement, and comply with written policies and procedures
2 for pharmacy operations and drug dispensing distribution.”

3 **ORDER**

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

7 1. Pay a civil penalty to the Board in the amount of **\$1,000.00** within **90 days**
8 of the effective date of this Order; and

9 2. Successfully complete and provide proof of successful completion to the
10 Board of eight (8) contact hours (0.8 C.E.U.) of American Council on Pharmaceutical
11 Education course(s) on the topic of **patient safety**. The required course(s) must be
12 completed within **six (6) months** of the effective date on this Order. The effective date of
13 the Order is the date it is signed by the Board’s Executive Director.

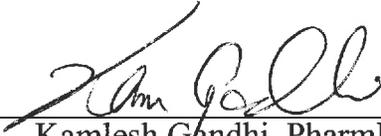
14 3. Respondent shall pay all costs associated with complying with this Consent
15 Agreement.

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

21 DATED this 21st day of November, 2016.

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23 ARIZONA STATE BOARD OF PHARMACY

24 (Seal)

25 By: 
26 Kamlesh Gandhi, PharmD..
Executive Director

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ORIGINAL OF THE FOREGOING FILED
this 21st day of November, 2016, with:

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

COPY OF THE FOREGOING MAILED
BY CERTIFIED MAIL
this 21st day of November, 2016,

Daniel Mason
700 N. Dobson Rd.
Lot #12
Chandler, AZ 85224

COPY OF THE FOREGOING MAILED
this 21st day of November 2016, to:

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

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