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7 Attorneys for the Arizona State Board of Pharmacy
8

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

10
11 In the Matter of

12 **RONALD D. JASENSKY**

13
14 Holder of License No. S008473
As a Pharmacist In the State of Arizona
15

Board Case Nos. 4525 and 4528

16
17 **CONSENT AGREEMENT
FOR CIVIL PENALTY and
CONTINUING EDUCATION**

18 In the interest of a prompt and judicious settlement of this case, consistent with the
19 public interest, statutory requirements and the responsibilities of the Arizona State Board
20 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Ronald D. Jasensky
21 ("Respondent"), holder of Pharmacy License S008473 in the State of Arizona, and the
22 Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order
23 ("Consent Agreement") as a final disposition of these matters.

24 **RECITALS**

25 1. Respondent has read and understands this Consent Agreement and has had
26

1 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
2 opportunity to discuss this Consent Agreement with an attorney.

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

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

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

13 5. Respondent understands this Consent Agreement deals with Board
14 complaint numbers 4525 and 4528 involving allegations of unprofessional conduct
15 against Respondent. The investigation into these allegations against Respondent shall be
16 concluded upon the Board's adoption of this Consent Agreement and Respondent's
17 compliance with the same.

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

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

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

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

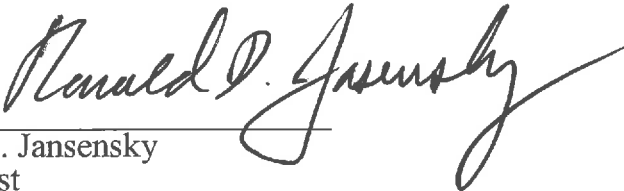
15 10. If a court of competent jurisdiction rules that any part of this Consent
16 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
17 shall remain in full force and effect.

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

22 12. Respondent understands that any violation of this Consent Agreement
23 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
24 1901.01(B)(20), -1927(A) (1).

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

3
4 ACCEPTED AND AGREED BY RESPONDENT

5  Dated: 9/11/17
6
7 Ronald D. Jansensky
Pharmacist

8
9 **FINDINGS OF FACT**

10 **4525**

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

13
14 2. Respondent is the holder of license number S008473 to practice as a
15 Pharmacist in the State of Arizona.

16 3. During all relevant times to these findings, Respondent was employed as a
17 pharmacist by Walgreens Pharmacy #4103 located at 10405 N La Canada Dr., Oro
18 Valley, AZ 85737.

19
20 4. The complaint was filed by P.S. on behalf of patient D.S. The patient was
21 being treated for a transient ischemic attack ("TIA"). The physician for D.S. wrote a
22 prescription for #90 clopidogrel 75mg, with the directions to "take 1 tablet (75mg) by
23 mouth daily."

24
25 5. Walgreens filled the prescription with three unit-of-use bottles, each
26 containing #30 tablets (total = 90 tablets). The pharmacy labeled all three bottles as

1 clopidogrel 75mg however, two bottle contained clopidogrel 75mg tablets and one bottle
2 contained duloxetine 30mg capsules.

3 5. The clopidogrel and duloxetine were both manufactured by Teva and the
4 bottles and manufacturer labels were identical in appearance except the drug
5 name/strength/dosage form.
6

7 6. The patient's daughter picked up the filled prescription on 3/6/2016 and by
8 chance, the patient used the bottle containing the duloxetine first, taking 28 of the 30
9 tablets over roughly the next 30 days. The patient suffered a major stroke on 4/8/2016,
10 that left her bedridden, diminished cognitive and speaking abilities, and requiring 24 hour
11 assistance.
12

13 7. Pharmacy records indicate that the prescription was filled by a pharmacist
14 technician and it was verified by Respondent. Respondent stated that he did not notice
15 that one of three bottles contained duloxetine. Further, Respondent stated that at the time,
16 Walgreens' was operating under the "Power" program that gave the pharmacist the
17 option of whether to inspect the bag containing the medication.
18

19 8. It was noted that the Pharmacy Technician scanned one bottle three times,
20 rather than scanning each unit-of-use bottle individually. Walgreens' policy was that each
21 unit-of-sale bottle was to be scanned individually.
22

23 9. There is no documentation of counseling, or documentation that counseling
24 was not provided.
25
26

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

4
5 11. Respondent is the holder of license number S008473 to practice as a
6 Pharmacist in the State of Arizona.

7
8 12. During all relevant times to these findings, Respondent was employed as a
9 pharmacist by Walgreens Pharmacy #4103 located at 10405 N La Canada Dr., Oro
10 Valley, AZ 85737.

11
12 13. The complaint was filed by the prescribing veterinarian and involved two
13 prescriptions. Prescription (#1181479, #1183529 and #1213853) was written 5/19/2016
14 and was written for Cyproheptadine 4mg tablets with directions to give "1/2 tab qd po."
15 The directions were entered as give "Sam-Feline" 1/2 tab po every 8 hours. The label read:
16 "Give 'SAM-FELINE' 1/2 take one tablet every _ hours take one tablet every _ hours by
17 mouth every 8 hours."

18
19 14. Respondent entered and reviewed the prescription. He states that the
20 incorrect directions occurred on the label because of a default sig. that converted "tab" to
21 "Take one tablet every _ hours."

22
23 15. Respondent stated that he recalled seeing the error during verification and
24 attempted to update the label. He further believes another update occurred which changed
25 the label back to the incorrect language. The prescription was dispensed with the
26 incorrect directions.

1 16. Respondent stated that he deleted the original prescription (#1181479) at a
2 later date when he noted the nonsensical directions. The prescription was assigned a new
3 number (#1183529). The label for prescription #1183529 still contained the nonsensical
4 directions when dispensed on 5/20/2016.
5

6 17. Another prescription , #1213853, for the same patient “Sam—Feline” was
7 written for Cyproheptadine 4mg tables with directions “T ½ table qd po.” The
8 prescription was written on 11/11/2016.
9

10 18. The directions were entered as G “SAM-FELINE 1 AND ½ TS PO QD.”

11 19. According to Walgreens’ records, the prescription was entered by a
12 technician at store #59610 on 11/16/2016, filled on 11/13/2016 and verified by
13 Respondent on 11/13/2106. There was no explanation as to how the prescription could be
14 filled and verified three days before it was entered.
15

16 20. Respondent stated that he misinterpreted the “T ½” as “1 ½” when
17 verifying the prescription. He acknowledged that while he was confident at the time of
18 the interpreting the directions, he should have contacted the veterinarian to confirm.
19

20 21. The veterinarian did not know how often the cat was actually dosed by its
21 owner or if the cat had any adverse effects from possibly taking the medication too
22 frequently as the owners did not respond to inquiries by the veterinarian regarding how
23 often the cat was actually dosed.
24

CONCLUSIONS OF LAW

25 **4525**
26

1 ORDER


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

- 4 1. Pay a civil penalty to the Board in the amount of **\$2000.00** within (thirty)
5 **30 days** of the effective date of this Order. The effective date of the Order
6 is the date it is signed by the Board's Executive Director.
- 7 2. Respondent shall complete six (6) hours of continuing education in the area
8 of **veterinary pharmacy**. The CE must be completed within six (6) months
9 of the date of the Consent Agreement and Order. Proof of the completion of
10 the CE shall be sent to the Board within fourteen (14) days of completion of
11 the CE. This CE may be applied to Respondent's continuing education
12 requirements necessary to renew his license. The CE may be completed
13 through in-person seminar or distance education. Respondent is solely
14 responsible for the cost of completing this CE requirement.
- 15 3. If Respondent violates this Order in any way or fails to fulfill the
16 requirements of this Order, the Board, after giving the Respondent notice
17 and the opportunity to be heard, may revoke, suspend or take other
18 disciplinary actions against Respondent's license. The issue at such a
19 hearing will be limited solely to whether this Order has been violated.

20
21 \DATED this 15 day of September, 2017.

22
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 15th day of September, 2017, with:

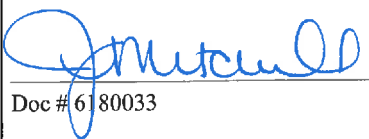
Arizona State Board of Pharmacy
1616 W. Adams Street
Phoenix, Arizona 85007

COPY OF THE FOREGOING MAILED
BY CERTIFIED MAIL
this 15th day of September, 2017,

Ronald D. Jasensky
6820 N. Firenze
Tucson, AZ 85704

COPY OF THE FOREGOING MAILED
this 15th day of September, 2017, to:

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


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PS Form 3800, July 2014

See Reverse for Instruction