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

10 In the Matter of
11 **STEFAN REINER, Pharm.D.**
12 Holder of License No. S020797 or the
13 practice as a Pharmacist in the State of
14 Arizona

Board Case No. 4538-PHR

**CONSENT AGREEMENT
AND ORDER FOR PROBATION**

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.*, Stefan Reiner ("Respondent"),
18 holder of Pharmacist License Number S020797 in the State of Arizona, and the Board
19 enter into the following Recitals, Findings of Fact, Conclusions of Law and Order
20 ("Consent 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 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 4538 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.

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
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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 will 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), -1927(A)(1).

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

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1 ACCEPTED AND AGREED BY RESPONDENT

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3 
4 Stefan Reiner, S020797
Pharmacist

Dated: 7-17-17

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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.

9 2. Respondent is the holder of license number S020797 to practice as a
10 pharmacist in the State of Arizona.

11 3. At all times relevant hereto, Respondent worked as a Pharmacist for CVS
12 Pharmacy at various locations including stores 8983, 7116, 9314 and 1759.

13 4. On or about July 22, 2016, Respondent notified Board staff that on July 20,
14 2016, he was approached by his employer's loss prevention staff and accused of
15 diverting medication. Respondent admitted to diverting approximately #20 tablets of
16 Hydrocodone/APAP, Morphine IR, Alprazolam, Buprenorphine-Naloxone and
17 Amphetamine.

18 5. Also in July of 2016, Respondent entered into a confidential contract with
19 Pharmacists Assisting Pharmacists Arizona ("PAPA"). He remains compliant with all
20 terms and provisions of his PAPA contract. Respondent voluntarily suspended his
21 pharmacy practice in July of 2016.

22 6. On or about January 9, 2017, the Respondent entered a plea of guilty to one
23 count of Possession of Drug Paraphernalia (a class six undesignated felony). Respondent
24 was sentenced to 18 months probation and was ordered to pay restitution and costs.

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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. Pursuant to A.R.S. § 32-1927(A)(1), the Board may discipline a pharmacist who has engaged in unprofessional conduct.

3. Respondent's conduct, as described in the Findings of Fact, constitutes a violation of A.R.S. § 32-1901.01(B)(1) ("Addiction to the use of alcohol or other drugs to such a degree as to render the licensee unfit to practice the profession of pharmacy.")

4. Respondent's conduct, as described in the Findings of Fact, constitutes a violation of A.R.S. § 32-1901.01(B)(2) ("Violating any federal or state law, rule or regulation relating to the manufacture or distribution of drugs and devices or the practice of pharmacy.")

5. Respondent's conduct, as described in the Findings of Fact, constitutes a violation of A.R.S. § 32-1901.01(B)(7) ("Committing a felony, whether or not involving moral turpitude...or any drug related offense.")

ORDER

Based upon the above Findings of Fact and Conclusions of Law, the Board issues the following Order:

1. Respondent's license as a Pharmacist No. S020797 is hereby placed on probation for a minimum period of five (5) years subject to the following terms and conditions:

A. **Upon execution of this Consent Agreement, Respondent shall immediately sign a new contract with Pharmacists Assisting Pharmacists of Arizona ("PAPA"), which shall extend for the entire term of the five (5) year probation under this Consent Agreement. Respondent shall abide by each and**

1 every requirement of the PAPA contract, except that his license shall not be
2 suspended and he shall not be required to complete an inpatient treatment program
3 at this time. Failure to participate in the PAPA program, complete the PAPA
4 program, or to abide by the PAPA contract terms is a violation of this Order. All
5 other standard terms and conditions of the PAPA contract shall apply including
6 but limited to, abstaining from alcohol and other mood altering substances except
7 those prescribed to him by a physician, participation in a 12-step or self-help
8 program, being subject to radon bodily fluid tests and/or hair and nail sample tests
9 and participation in counseling with the PAPA Clinical Director or another
10 behavioral health care provider approved by PAPA during the term of the contract.

11 B. No sooner than five (5) years from the beginning of Respondent's
12 probationary period, Respondent shall request in writing that the Board terminate
13 his probation. Respondent's request for termination will be considered at a
14 regularly scheduled Board meeting. Respondent is required to personally appear
15 at that Board meeting. Respondent's probationary period will continue until
16 Respondent's request for termination is received and the Board terminates the
17 probation.

18 C. Respondent shall continue to comply with the terms of his PAPA
19 contract.

20 D. Respondent shall furnish all pharmacy employers with a copy of this
21 Consent Agreement. Respondent shall ensure that all pharmacy employers submit
22 to the Board a written acknowledgement that they have received a copy of this
23 Consent Agreement within ten (10) days of entering into a relationship with
24 Respondent. Respondent shall not serve as a Preceptor or Pharmacist In Charge
25 while under probation.
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- 1 E. Respondent shall advise the Board within ten (10) days of any
- 2 change in pharmacy employment status.
- 3 2. Respondent shall pay all necessary fees and complete all continuing
- 4 education requirements throughout the term of his probation.
- 5 3. Throughout the term of Respondent's probation, Respondent shall
- 6 personally appear before the Board when requested to do so by the Board or Board staff.
- 7 4. Respondent shall furnish the Board with a list of all jurisdictions in which
- 8 he maintains or has maintained licensure in the profession of pharmacy along with the
- 9 registration numbers of said licenses.
- 10 5. Respondent shall obey all federal and state laws and rules governing the
- 11 practice of pharmacy.
- 12 6. Respondent shall execute all appropriate release of information forms to
- 13 permit the Respondent's treatment professionals and PAPA to communicate with the
- 14 Board regarding Respondent's treatment.
- 15 7. Respondent shall pay all costs associated with complying with this Consent
- 16 Agreement, including all expenses associated with PAPA.
- 17 8. If Respondent violates this Order in any way or fails to fulfill the
- 18 requirements of this Order, the Board, after giving the Respondent notice and the
- 19 opportunity to be heard, may revoke, suspend or take other disciplinary actions against
- 20 Respondent's license. The issue at such a hearing will be limited solely to whether this
- 21 Order has been violated.
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DATED this 28 day of July, 2017.

ARIZONA STATE BOARD OF PHARMACY

(Seal)

By: 
KAMLESH GANDHI, Pharm.D
Executive Director

ORIGINAL OF THE FORGOING FILED
this 28th day of July, 2017, with:

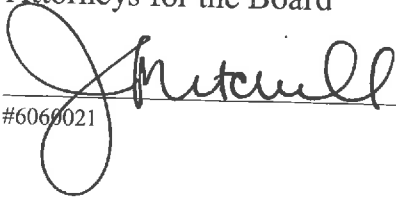
Arizona State Board of Pharmacy
1700 West Washington, Suite 250
Phoenix, Arizona 85007

EXECUTED COPY OF THE FOREGOING MAILED
BY FIRST-CLASS and CERTIFIED MAIL
this 28th day of July, 2017, to:

Stefan Reiner, Pharm.D.
13423 North 37th Drive
Phoenix, AZ 85029

EXECUTED COPY OF THE FOREGOING MAILED
this 28th day of July, 2017, to:

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


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