

FILE:H
91-07-HO

BEFORE THE ARIZONA STATE BOARD OF PHARMACY

IN THE MATTER OF:) FINDINGS OF FACT
FRANCES HILDA ARNESEN) CONCLUSIONS OF LAW
Certificate of Registration) AND THE BOARD ORDER
Number 7650)
) No. 91 - 07 - HO
)

DIRECTED TO: FRANCES HILDA ARNESEN
1601 W. Sunnyside # 128
Phoenix, AZ 85029

This Matter came before the Arizona State Board of Pharmacy for hearing on the 24th day of April, 1991 pursuant to Complaint and Notice of Hearing No. 91 - 07 - H (hereinafter referred to as the "Complaint"). Kathryn Kalsman, vice-president, presided with members Michael Noel, Kim Roberson, Daniel J. Jacob, Linda Tansik, and Martha Barron in attendance and participating therein.

The State was represented by the office of the Attorney General, Montgomery Lee, Assistant Attorney General. The respondent FRANCES HILDA ARNESEN was present and was represented by Edward Novak, attorney. Paula Bickett represented the Arizona State Board of Pharmacy.

The Board, after consideration of the facts stipulated to and testimony presented by the RESPONDENT hereby makes the following Findings of Fact, Conclusions of Law and Board Order.

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FINDINGS OF FACT

I

1. FRANCES HILDA ARNESEN is the holder of Certificate of Registration Number 7650 issued by the Arizona State Board of Pharmacy pursuant to A.R.S. § 32-1922 which allows her to engage in the practice of pharmacy in the State of Arizona and has been, between the dates of June 22, 1982 and February 15, 1991, so engaged as a staff pharmacist at various pharmacies and locations in the State of Arizona.

2. That on or about January 25, 1991, FRANCES HILDA ARNESEN was arrested for possession of an undetermined weight of Lysergic acid diethylamide (LSD) and 5.0 grams of 3,4 - Methylenedioxyamphetamine (MDMA), both items, a CI Controlled Substance, as identified in A.R.S. § 36-2512 and C.F.R. § 1308.11, without a valid prescription order from a practitioner, as defined in A.R.S. § 32-1901.57.

CONCLUSIONS OF LAW

II

1. The Arizona State Board of Pharmacy has the authority to act in this Matter pursuant to the provisions of A.R.S. § 32-1927 (A) which states:

The license of any pharmacist or pharmacy intern may be revoked or suspended or a pharmacist or pharmacy intern may be placed on probation by the the Board when:

10. The licensee is found by the board to be guilty of violating any Arizona or federal law, rule or regulation relating to the manufacture and distribution of drugs, devices or the practice of pharmacy.

1 Further A.R.S. § 32-1927(B) provides that the license of any pharmacist
2 or pharmacy intern may be revoked, suspended or the pharmacist or pharmacy
3 intern may be placed on probation or censured and civil penalty of not more
4 than five hundred dollars (\$500.00) for each offense may be imposed when:

5 2. The licensee is found by the board, or is convicted in a federal
6 or state court, of having violated federal or state laws or
7 regulations pertaining to marijuana, prescription-only drugs,
8 narcotics, dangerous drugs or controlled substances.

9 2. The conduct alleged and sustained in paragraph two (2) of the Finding of
10 Fact above does constitute a violation of A.R.S. § 36-2522(C)(3) and 21 U.S.C.
11 844(a) to wit: FRANCES HILDA ARNESEN was arrested for possession of two (2)
12 CI Controlled Substances, as identified in A.R.S. 36-2512 and C.F.R. § 1308.11,
13 without a valid prescription order from a practitioner, as defined in A.R.S. §
14 32-1901.57.

15 3. The Board further concludes that FRANCES HILDA ARNESEN is in violation
16 of A.R.S. § 32-1927 (A)(10) and A.R.S. § 32-1927 (B)(2)

17 ORDER

18 III

19 In view of the above Findings of Fact and Conclusions of Law the Board
20 hereby issues the following Order.

21 The Certificate of Registration Number 7650 issued to FRANCES HILDA
22 ARNESEN is suspended for one (1) year effective immediately. Said suspension
23 is stayed and a five (5) year probation is imposed effective immediately and
24 terminating on or after April 23, 1996.

25 The term of probation shall be subject to the following conditions:

26 1. RESPONDENT shall pay a civil penalty of five hundred dollars
(\$500.00) for each of the Charges sustained in the Complaint for a total of
one thousand dollars (\$1000.00) due and payable within 60 days of the date of
this Order.

1 2. RESPONDENT shall continue weekly psychotherapy sessions with
2 Linda Kriesel-Coons, M.A. for a period of time consistent with a treatment
3 duration established by said psychotherapist. Quarterly reports prepared by
4 the psychotherapist shall be submitted, at the request and expense of the
5 RESPONDENT, to the Arizona State Board of Pharmacy due on the 10th day of
6 July, October, January and April of each year commencing the 10th day of
7 July, 1991.

8 3. RESPONDENT shall contract with the Pharmacists Assisting Pharmacists
9 of Arizona (PAPA) Program for a minimum duration of two (2) years. Said
10 Contract shall include, but not be limited to, counseling, as determined
11 appropriate by that agency, support meetings and random biological fluid
12 screening to include, but not be limited to, testing for Class I Controlled
13 Substances, alcohol and any other controlled substances and performed in
14 compliance with the Pharmacists Assisting Pharmacists of Arizona program.

15 4. RESPONDENT shall take and successfully complete, at a regularly
16 scheduled examination site and date, the Arizona Jurisprudence Examination
17 (AZPLEX) on or before December 31, 1991 with a score of 90% or better.

18 5. RESPONDENT shall meet all fees and Continuing Education requirements
19 due during the term of probation.

20 6. RESPONDENT shall obey all federal and state laws and rules governing
21 the practice of pharmacy.

22 7. RESPONDENT shall appear before the Arizona State Board of Pharmacy
23 on or after April 23, 1996 to show cause why probation should be terminated.

24 8. RESPONDENT shall bear the responsibility for the release of
25 information forms and reports as directed by the Order.
26

1 9. RESPONDENT shall bear all costs for testing, rehabilitation, after-
2 care programs and reports to be filed.

3 10. RESPONDENT shall "hold harmless" the provider of any required
4 reports to the Board of Pharmacy.

5 11. If the RESPONDENT violates this Order in any way or fails to
6 fulfill the requirements of this Order, the Board, after giving the
7 RESPONDENT Notice and the opportunity to be heard, may revoke, suspend or
8 take other disciplinary action against the RESPONDENT.

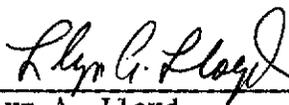
9 FRANCES HILDA ARNESEN is hereby notified she has the right to petition this
10 Board for a rehearing within ten (10) days after receipt of this Order
11 pursuant to the provisions of Administrative Rule R4-23-109.

12 DATED this 25th day of April, 1991

13 ARIZONA STATE BOARD OF PHARMACY

14
15
16 SEAL

17 By



Llyn A. Lloyd
Executive Director

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19
20 Copies of the foregoing Finding
21 of Fact, Conclusions of Law and
22 Board Order mailed by Certified
23 Mail this 25th day of April
24 1991 to:

25 FRANCES HILDA ARNESEN
26 1601 W. Sunnyside #128
Phoenix, AZ 85029

and

Edward Novak
Lewis and Roca
40 North Central Avenue
Phoenix, Arizona 85004

and by Courier Mail to:

Montgomery Lee
Assistant Attorney General
1275 W. Washington
Phoenix, AZ 85007
Attorney for the State

and

Paula Bickett
Assistant Attorney General
1275 W. Washington
Phoenix, AZ 85007
Solicitor General's Office

P 465 125 656

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

U.S.G.P.O. 1989-234-555
PS Form 3800, June 1985

Sent to <i>EDWARD NOVAK</i>	
Street and No. <i>40 N. CENTRAL</i>	
P.O., State and ZIP Code <i>PHOENIX, AZ 85004</i>	
Postage	S
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	S
Postmark or Date <i>4-25-91 ORDER</i>	

Instructions: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address on the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. (Extra charge)
2. Restricted Delivery (Extra charge)

3. Article Addressed to: <i>EDWARD NOVAK LEWIS + ROCA 40 N. CENTRAL AVE. PHOENIX, AZ 85004</i>	4. Article Number <i>P 465-125-656</i>
5. Signature - Addressee <i>X</i>	Type of Service: <input checked="" type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Return Receipt for Merchandise
6. Signature - Agent <i>[Signature]</i>	Always obtain signature of addressee or agent and DATE DELIVERED.
7. Date of Delivery <i>4-29-91</i>	8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Apr. 1989 *U.S.G.P.O. 1989-230-015 DOMESTIC RETURN RECEIPT

P 363 446 840
RECEIPT FOR CERTIFIED MAIL
 NO INSURANCE COVERAGE PROVIDED
 NOT FOR INTERNATIONAL MAIL
 (See Reverse)

Sent to	FRANCES H. ARNESEN
Street and No	1601 W. SUNNYSIDE #128
P.O., State and ZIP Code	PHOENIX, AZ 85029
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt, showing to whom and Date Delivered	
Return Receipt, showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	4-25-91 ORDER

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN-TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. (Extra charge) 2. Restricted Delivery (Extra charge)

3. Article Addressed to:
 FRANCES HILDA ARNESEN
 1601 W. SUNNYSIDE #128
 PHOENIX, AZ 85029

4. Article Number
 P 363-446-840

Type of Service:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee
 X *[Signature]*

6. Signature - Agent
 X

7. Date of Delivery
 4-30-91

8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Apr. 1989 U.S.G.P.O. 1989-234-515 DOMESTIC RETURN RECEIPT