

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

2
3 In the Matter of:)
4 LISA M. HUNTER, R.Ph.,)
Holder of Pharmacist License)
5 Number 13072)
In the State of Arizona,)
6 Respondent)
7

Investigation Case Number 04-0025-PHR

**CONSENT AGREEMENT AND
ORDER FOR PROBATION**

8 **CONSENT AGREEMENT**

9 **RECITALS**

10 In the interest of a prompt and judicious settlement of this case, consistent with the public
11 interest, statutory requirements and the responsibilities of the Arizona State Board of Pharmacy
12 ("Board") and under A.R.S. §§ 32-1901 *et seq.* and 41-1092.07(F)(5), LISA M. HUNTER
13 ("Respondent"), holder of pharmacist license number 13072 to practice pharmacy in the State of
14 Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and
15 Order ("Consent Agreement") as a final disposition of this matter.

16 1. Respondent has read and understands this Consent Agreement and has had the
17 opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity to
18 discuss this Consent Agreement with an attorney.

19 2. Respondent understands that she has a right to a public administrative hearing
20 concerning the above-captioned matter, at which hearing she could present evidence and cross-
21 examine witnesses. By entering into this Consent Agreement, Respondent freely and voluntarily
22 relinquishes all right to such an administrative hearing, as well as rights of rehearing, review,
23 reconsideration, appeal, judicial review or any other administrative and/or judicial action, concerning
24 the matters set forth herein. Respondent affirmatively agrees that this Consent Agreement shall be
25 irrevocable.

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1 3. Respondent understands that this Consent Agreement or any part of the agreement
2 may be considered in any future disciplinary action against her.

3 4. Respondent understands this Consent Agreement deals with Board Investigation Case
4 No. 04-0025-PHR involving allegations of unprofessional conduct against Respondent. The
5 investigation into these allegations against Respondent shall be concluded upon the Board's adoption
6 of this Consent Agreement.

7 5. Respondent understands that this Consent Agreement does not constitute a dismissal
8 or resolution of any other matters currently pending before the Board, if any, and does not constitute
9 any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any other
10 pending or future investigation, action or proceeding. Respondent also understands that acceptance
11 of this Consent Agreement does not preclude any other agency, subdivision, or officer of this State
12 from instituting other civil or criminal proceedings with respect to the conduct that is the subject of
13 this Consent Agreement.

14 6. All admissions made by Respondent in this Consent Agreement are made solely for
15 the final disposition of this matter, and any related administrative proceedings or civil litigation
16 involving the Board and Respondent. Therefore, any admissions made by Respondent in this
17 Consent Agreement are not intended for any other use, such as in the context of another regulatory
18 agency's proceedings, or civil or criminal proceedings, whether in the State of Arizona or in any
19 other state or federal court.

20 7. Respondent acknowledges and agrees that upon signing this Consent Agreement and
21 returning this document to the Board's Executive Director, Respondent may not revoke her
22 acceptance of the Consent Agreement or make any modifications to the document regardless of
23 whether the Consent Agreement has been signed by the Executive Director. Any modification to
24 this original document is ineffective and void unless mutually agreed by the parties in writing.

25 8. Respondent understands that the Consent Agreement shall not become effective
26 unless and until adopted by the Board and signed by its Executive Director.

1 9. If a court of competent jurisdiction rules that any part of this Consent Agreement is
2 void or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full force
3 and effect.

4 10. Respondent understands and agrees that if the Board does not adopt this Consent
5 Agreement, she will not assert as a defense that the Board's consideration of this Consent Agreement
6 constitutes bias, prejudice, prejudgement or other similar defenses.

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

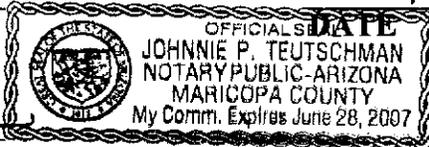
10 12. Respondent understands that any violation of this Consent Agreement constitutes
11 unprofessional conduct under A.R.S. § 32-1927 (A)(17) (the licensee violated a formal order, terms
12 of probation, a consent agreement or a stipulation issued or entered into by the board or its Executive
13 Director pursuant to this chapter) and may result in disciplinary action under A.R.S. § 32-1927.

14 **REVIEWED AND ACCEPTED BY:**

15 
16 LISA HUNTER R.Ph.

09/20/04

17 
18 Notary Public



19 **FINDINGS OF FACT**

20 By stipulation of the parties, this Consent Agreement is entered into for final disposition of
21 the matters described herein. Respondent admits to the following Findings of Fact:

22 1. The Board is the duly constituted authority for the regulation and control of the
23 practice of pharmacy in the State of Arizona.

24 2. The Board possesses jurisdiction over the subject matter and over Respondent as a
25 licensee of the Board, under A.R.S. § 32-1901, *et seq.*

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1 3. Respondent is the holder of pharmacist license 13072 which permits her to practice
2 pharmacy in the State of Arizona.

3 4. On March 3, 2004, Respondent was employed as a pharmacist for a temporary
4 pharmacist staffing organization known as Cameron & Company at the Arizona State Hospital
5 pharmacy located at 2500 E. Van Buren in Phoenix, Arizona.

6 5. On March 3, 2004, Respondent incorrectly filled prescription number 082-377 for
7 piroxicam 20 mg. capsules with pyridoxine 50 mg. tablets at the Arizona State Hospital pharmacy.

8 6. Upon receipt of his prescription, the patient noticed he received the wrong
9 prescription and notified the Board of this error. This prompted the Board to open an investigation.

10 7. On July 9, 2004, a Board investigator contacted Respondent about her incorrectly
11 filling prescription number 082-377. Respondent admitted to the Board investigator that she indeed
12 misfilled the prescription.

13 **CONCLUSIONS OF LAW**

14 8. Under A.R.S. § 32-1901, et seq., the Board is the duly constituted authority for the
15 regulation and control of the practice of pharmacy in the state of Arizona,

16 9. The conduct and circumstances in paragraphs 15-19 constitutes a violation(s) of
17 A.A.C. R4-23-402(A)(11) to wit:

18 A pharmacist or a graduate intern or pharmacy intern under the supervision of a pharmacist
19 shall perform the following professional practices in dispensing a prescription medication
from a prescription order :

20 Make a final accuracy check on the completed prescription medication and manually initial
21 the finished label. Manual initialing of a finished label is not required if the pharmacy's
22 computer system complies with the computer documentation requirements of R4-23-
408(B)(4);

23 10. The conduct and circumstances described in the Findings of Fact above constitute
24 grounds for disciplinary action under A.R.S. § 32-1927(A)(10) and A.R.S. § 32-1927(B)(2) to wit:

25 **A.R.S. § 32-1927(A)(10)** The license of any pharmacist or pharmacy intern may be revoked
26 or suspended or a pharmacist or pharmacy intern may be placed on probation by the board
when :

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

3 **A.R.S. § 32-1927(B)(2)** The license of any pharmacist or pharmacy intern may be revoked
4 or suspended or the pharmacist or pharmacy intern may be placed on probation or censured
and a civil penalty of not more than one thousand dollars (\$1000.00) for each offense may
5 be imposed by the board when:

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

8 **ORDER**

9 Based upon the above Findings of Fact and Conclusions of Law and under the authority
10 granted to the Board by A.R.S. § 32-1928, 41-1092.07(F)(5), and A.A.C. R4-23-104(G).

11 **IT IS HEREBY ORDERED** that:

12 11. License No. 13072, which was issued to Respondent for the practice of pharmacy in
13 the State of Arizona, is hereby placed on **PROBATION** for one (1) year subject to the following
14 terms and conditions:

15 12. Respondent shall pay all fees and complete all Continuing Education requirements
16 throughout the term of her probation to maintain Pharmacist License Number 13072.

17 13. Respondent shall successfully complete eight (8) contact hours, (0.8 C.E.U.) of
18 American Council on Pharmaceutical Education (ACPE) courses approved by the Board staff before
19 the termination of the PROBATION. The courses shall be limited to topic dealing with prescription
20 error prevention and shall be in addition to the requirements of A.R.S. § 32-1936 and A.A.C. R4-23-
21 204.

22 14. Respondent shall not serve as a preceptor pharmacist or pharmacist-in-charge
23 throughout the term of her probation.

24 15. Respondent shall obey all federal and state laws and rules governing the practice of
25 pharmacy.

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1 ORIGINAL of the foregoing, fully executed,
filed this 18th day of November, 2004, with:

2 Arizona State Board of Pharmacy
3 4425 W. Olive Avenue, #140
4 Glendale, Arizona 85302

5 Fully Executed Copy of the foregoing sent
via Certified US mail this 18th day of
6 November, 2004 to:

7 LISA M. HUNTER R.Ph.
8 P. O. Box 72424
Phoenix, AZ 85050

9 Copy or the foregoing mailed
this 19th day of November, 2004 to:

10 Roberto Pulver
11 Assistant Attorney General
12 1275 W. Washington, CIV/LES
13 Phoenix, Arizona 85007
14 Attorney for the State

15 By: Samuel Pessen
16 RP:yfl - LES04-0739 - #04-25-hg.wpd

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)
LISA HUNTER

B. Date of Delivery
9-20-04

C. Signature
[Signature]

D. Is delivery address different from return address?
If YES, enter delivery address below:
 Yes No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

SENDER: COMPLETE THIS SECTION

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
■ Print your name and address on the reverse so that we can return the card to you.
■ Attach this card to the back of the mailpiece, or on the front if space permits.

Lisa M Hunter
P O Box 72424
Phoenix AZ 85050

2. Article Number (Copy from service label)
7000 1670 0006 4393 0282

SENDER: COMPLETE THIS SECTION

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
■ Print your name and address on the reverse so that we can return the card to you.
■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ms. Lisa M. Hunter RPh
4728 E. Adobe Drive
Phoenix AZ 85050

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)
Lisa Hunter

B. Date of Delivery
9-20-04

C. Signature
[Signature]

D. Is delivery address different from return address?
If YES, enter delivery address below:
 Yes No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Copy from service label)
7000 1670 0006 4396 3648

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

102595-00-M-0952
Domestic Return Receipt
PS Form 3811, July 1999