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7 Attorneys for the Arizona State Board of Pharmacy

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

10 In the Matter of

11 **KAREN ACCETTA,**
12 Holder of License No. 9196
As a Pharmacy Technician Trainee
13 In the State of Arizona

Board Case No. 07-0035-PHR

**CONSENT AGREEMENT
FOR REVOCATION**

14
15 **RECITALS**

16 In the interest of a prompt and judicious settlement of this case, consistent with the
17 public interest, statutory requirements and the responsibilities of the Arizona State Board
18 of Pharmacy ("Board") and under A.R.S. §§ 32-1901, *et. seq.* and 41-1092.07(F)(5),
19 Karen Accetta ("Respondent"), holder of Pharmacy Technician Trainee License Number
20 9196 in the State of Arizona, and the Board enter into the following Recitals, Findings of
21 Fact, Conclusions of Law and Order ("Consent Agreement") as a final disposition of this
22 matter.

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

1 2. Respondent understands that she has a right to a public administrative
2 hearing concerning the above-captioned matter, at which hearing she could present
3 evidence and cross examine witnesses. By entering into this Consent Agreement,
4 Respondent knowingly and voluntarily relinquishes all right to such an administrative
5 hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or
6 any other administrative 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 her.

11 5. Respondent understands this Consent Agreement deals with Board
12 Complaint No. 3288 involving allegations of unprofessional conduct against Respondent.
13 The investigation into these allegations against Respondent shall be concluded upon the
14 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. All admissions made by the Respondent in this Consent Agreement are
24 made solely for the final disposition of this matter, and any related administrative
25 proceedings or civil litigation involving the Board and Respondent. Therefore, any
26

1 admissions made by Respondent in this Consent Agreement are not intended for any
2 other use, such as in the context of another regulatory agency's proceedings, or civil or
3 criminal proceedings, whether in the State of Arizona or in any other state or federal
4 court.

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

11 10. Respondent understands that the Consent Agreement shall not become
12 effective unless and until adopted by the Board and signed by its Executive Director.

13 11. 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 12. Respondent understands and agrees that if the Board does not adopt this
17 Consent Agreement, she will not assert as a defense that the Board's consideration of this
18 Consent Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

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

23 14. Respondent understands that any violation of this Consent Agreement
24 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
25 1901.01(C)(16), -1927.01(A)(1).

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ACCEPTED AND AGREED BY RESPONDENT

Karen Accetta
Karen Accetta

Dated: 3/28/07

Subscribed and sworn to before me in the County of Maricopa, State of Arizona, this 28th day of MARCH, 2007, by Karen Accetta.

 *[Signature]*
NOTARY PUBLIC
My Commission expires: June 28, 2007

FINDINGS OF FACT

1. The Arizona State Board of Pharmacy ("Board") is the duly constituted authority for licensing and regulating the practice of pharmacy in the State of Arizona.
2. Karen Accetta ("Respondent") holds Arizona Pharmacy Technician Trainee License Number 9196.
3. During all times relevant to this Complaint, Respondent was employed as a Pharmacy Technician Trainee at Walmart Pharmacy #10-5329 ("Pharmacy") in Phoenix, Arizona.
4. On or about October 3, 2006, the Board was notified that Respondent was suspected of drug diversion from the Pharmacy and her employment terminated. Respondent had been observed on video taking a bottle of NORCO from a Pharmacy shelf, concealing it under her vest and walking out of the store. Respondent signed a statement admitting that she took the pain medication. Respondent confirmed to Phoenix Police that she had written the statement and that she had taken diet pills from the Pharmacy.

1 licensed prescriber. A.R.S. § 13-3406(A)(1). Furthermore, a person may not knowingly
2 obtain or procure the administration of a prescription-only drug by fraud, deceit,
3 misrepresentation or subterfuge. A.R.S. § 13-3406(A)(6). In either case, such illegal
4 acquisition, possession or procurement of a prescription-only drug is a class 1
5 misdemeanor. A.R.S. § 13-3406(B)(1). "The sale or dispensing or prescribing of
6 narcotic drugs, except for medicinal use and under strict surveillance, [involves] moral
7 turpitude." *Du Vall*, 49 Ariz. at 337, 66 P.2d at 1030.

8 6. The conduct and circumstances described above constitute unprofessional
9 conduct pursuant to A.R.S. § 32-1901.01(C)(8) ("Violating a federal or state law or
10 administrative rule relating to marijuana, prescription-only drugs, narcotics, dangerous
11 drugs, controlled substances or precursor chemicals when determined by the board or by
12 conviction in a federal or state court.")

13 **ORDER**

14 Based upon the above Findings of Fact and Conclusions of Law and under the
15 authority granted to the Board, under A.R.S. §§ 32-1928, 41-1092.07(F)(5), and A.A.C.
16 R4-23-122(C),

17 IT IS HEREBY ORDERED THAT License No. 9196, which was issued to Karen
18 Accetta to practice as a Pharmacy Technician Trainee in the State of Arizona, is hereby
19 REVOKED. Respondent shall immediately return her Pharmacy Technician Trainee
20 License to the Board.

21 DATED this 10 day of May, 2007.

22 ARIZONA STATE BOARD OF PHARMACY

23 (Seal)

24 By: 
25 HAL WAND, R.Ph.
26 Executive Director

1 ORIGINAL OF THE FORGOING FILED
this 10 day of May, 2007, with:

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

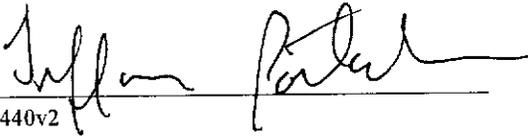
5 EXECUTED COPY OF THE FOREGOING MAILED
BY CERTIFIED MAIL
6 this 10 day of May, 2007, to:

7 Karen Accetta
16011 N. 71st Drive
8 Peoria, AZ 85382
9 Respondent

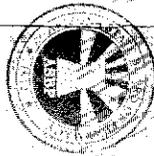
7006 2760 0000 7560 5034

10 EXECUTED COPY OF THE FOREGOING MAILED
this 10 day of May, 2007, to:

11 Seth T. Hargraves
12 Assistant Attorney General
1275 W. Washington Street, CIV/LES
13 Phoenix, Arizona 85007
14 Attorneys for the State of Arizona

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16 #490440v2

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ARIZONA STATE BOARD OF PHARMACY
 4425 W. Olive Ave., Suite 140
 Glendale, AZ 85302-3844
 623.400.9196
 FAX: 623.9514585

THIS RECEIPT MUST BE DISPLAYED IN A PLACE THAT CAN BE EASILY SEEN BY THE PUBLIC

№ 15525

PHARMACY TECHNICIAN TRAINEE

LICENSE NO. 9196
 EXPIRES 11/30/2007

Receipt date: 12/14/2005
 Receipt No. 23244
 Receipt Amount: \$25.00

Issued to: Karen A. Accetta
 16014 N. 71st Dr.
 Peoria, AZ 85382

The holder of the license/permit number printed above is authorized to conduct business according to the classification specified, pursuant to A.R.S. 32-1508(A).

Shel Wand
 Executive Director

Arizona State Board of Pharmacy

This is to certify that

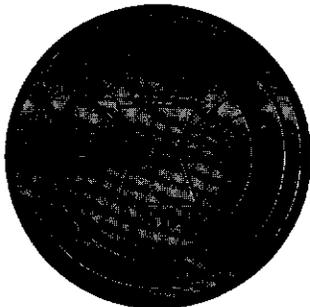
Karen A. Accetta

was on the date of this certificate duly licensed as a

PHARMACY TECHNICIAN TRAINEE

This certificate has been granted in accordance with the provisions of the pharmacy laws of the State of Arizona, Chapter 18, Article 32, Section 1923.01.

In Witness Whereof are hereunto affixed the seal and the signatures of the President and Executive Director of the Arizona State Board of Pharmacy.



Done this 14th day of December 2005

Number 9196

Jonda K. Meloy
PRESIDENT

Hal Wamod
EXECUTIVE DIRECTOR

This certificate must be posted in place of business where technician is employed.