

1 **ARIZONA STATE BOARD OF PHARMACY**  
2 **1700 W. Washington Street, Room 250**  
3 **Phoenix, Arizona 85007**  
4 **602-771-2727**

5 IN THE MATTER OF :

**FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND ORDER NO. 08-0010-PHR**

6 In the Matter of

7 **ALICIA HERNANDEZ**

8 Holder of Pharmacy Technician License No. 3549  
9 in the State of Arizona

10 Respondent

11 On March 20, 2008 the Arizona State Board of Pharmacy ("Board") considered the State's  
12 Motion to Deem Allegations Admitted at the Board of Pharmacy Offices, 1700 W. Washington Street,  
13 Room 312, in Phoenix, Arizona. Elizabeth Campbell, Assistant Attorney General, appeared on behalf  
14 of the State. Respondent did not appear. The Board was represented by Assistant Attorney General  
15 Chris Munns, with the Solicitor General's Section of the Attorney General's Office.  
16

17 On March 20, 2008 the Board granted the State's Motion to Deem Allegations Admitted.  
18 Based upon A.R.S. § 32-1927(O) and the Complaint and Notice of Hearing No. 08-0010-PHB filed in  
19 this matter, the Board issues the following Findings of Fact and Conclusions of Law, and Order  
20 revoking Respondent's license.  
21

22 **FINDINGS OF FACT**

23  
24 1. During all times relevant to this Complaint, Respondent was employed as a pharmacy  
25 technician at Target Pharmacy #1439 ("Pharmacy") in Tucson, Arizona.

26 2. On June 4, 2007, the Pharmacy interviewed Respondent concerning a loss of controlled  
27 substances. Respondent admitted to Pharmacy officials that she was addicted to hydrocodone/APAP  
28  
29

1 and had authorized refills of hydrocodone/APAP for herself. Respondent was terminated from  
2 employment.

3  
4 3. Respondent had ten (10) prescriptions for hydrocodone/APAP 10/325 filled at the  
5 Pharmacy by either faxing the refill authorizations to the Pharmacy herself or by having an accomplice  
6 call in the refills for her.

7 4. In addition, Respondent fraudulently authorized the filing of a prescription for  
8 diazepam.

9 5. Hydrocodone/APAP is a Schedule III controlled substance. A.R.S. § 36-2514(A)(5)(d).

10 6. Diazepam is a Schedule IV controlled substance. A.R.S. § 36-2515(A)(2)(n).

11 7. On or about June 6, 2007, the Pharmacy reported the theft of controlled substance drugs  
12 to the Board.

### 13 CONCLUSIONS OF LAW

14  
15 1. The Board possesses jurisdiction over the subject matter and over Respondent pursuant  
16 to A.R.S. § 32-1901 *et seq.*

17 2. The Board may discipline a pharmacy technician who has engaged in unprofessional  
18 conduct. A.R.S. § 32-1927.01(A)(1).

19 3. The conduct and circumstances described above constitutes unprofessional conduct  
20 pursuant to A.R.S. § 32-1901.01(C)(6) (“Committing a felony, whether or not involving moral  
21 turpitude, or a misdemeanor involving moral turpitude or any drug- related offense. In either case,  
22 conviction by a court of competent jurisdiction or a plea of no contest is conclusive evidence of the  
23 commission.”).

24  
25 4. The conduct and circumstances described above constitute unprofessional conduct  
26 pursuant to A.R.S. § 32-1901.01(C)(8) (“Violating a federal or state law or administrative rule relating  
27 to marijuana, prescription-only drugs, narcotics, dangerous drugs, controlled substances or precursor  
28 chemicals when determined by the board or by conviction in a federal or state court.”).





1 COPIES mailed this day of March 2008, by

2 Certified Mail Receipt No. 70072680 0001 2492 1188

3 to

4  
5 Alicia Hernandez  
6 4413 E. 3<sup>rd</sup> Street, Unit #4  
7 Tucson, AZ 85711  
8 Respondent

9 COPIES of the foregoing mailed this day of March 2008, to:

10 Elizabeth Campbell,  
11 Assistant Attorney General

12 and

13 Christopher Munns,  
14 Assistant Attorney General, Solicitors Office

15 Both located at  
16 1275 W. Washington  
17 Phoenix, AZ 85007

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