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8

**BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

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10 In the Matter of

Board Case No. 09-0013-PHR

11 **JACQUELINE ROTHSCHILD**

12 Holder of License No. S013750  
For the Practice of Pharmacy  
13 In the State of Arizona

**CONSENT AGREEMENT  
AND ORDER FOR PROBATION**

14

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.*, Jacqueline Rothschild  
18 ("Respondent"), holder of Pharmacist License Number S013750 in the State of Arizona,  
19 and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law  
20 and Order ("Consent Agreement") as final disposition of this matter.

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**RECITALS**

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

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 Nos. 3585 and 3721 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, she may not  
25 revoke her 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 may 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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25 ...

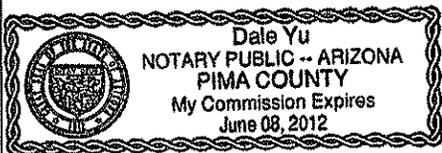
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1 ACCEPTED AND AGREED BY RESPONDENT

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3 \_\_\_\_\_  
4 Jacqueline Rothschild

Dated: April 26<sup>th</sup>, 2010

5 Subscribed and sworn to before me in the County of Maricopa, State of Arizona, this 26<sup>th</sup> day of April  
6 2010, by Jacqueline Rothschild.



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9 \_\_\_\_\_  
10 NOTARY PUBLIC

My Commission expires: June 08, 2012

11 **FINDINGS OF FACT**

- 12 1. The Board is the duly constituted authority for licensing and regulating the  
13 practice of pharmacy in the State of Arizona.
- 14 2. Respondent is the holder of license number S013750 to practice as a  
15 pharmacist in the State of Arizona.
- 16 3. Based upon an interim order issued by the Board in September 2009,  
17 Respondent was evaluated for substance abuse issues. Based upon his evaluation of  
18 Respondent, the evaluator opined that in order for Respondent to be safe to practice  
19 pharmacy and to remain abstinent from addictive and mood-altering drugs, Respondent  
20 should be placed in a structured monitoring program, which would include relapse  
21 prevention therapy groups and random drug testing. In addition, the evaluator  
22 recommended that Respondent continue to receive psychiatric care and medications.

23 **CONCLUSIONS OF LAW**

- 24 1. The Board possesses jurisdiction over the subject matter and over  
25 Respondent pursuant to A.R.S. § 32-1901 *et seq.*
- 26 2. The Board may discipline a pharmacist who is found to be unable to safely  
and competently engage in the practice of pharmacy. A.R.S. § 32-1927(B).

1 **ORDER**

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

4 1. As of the effective date of this Order, Respondent’s license is hereby placed  
5 on **PROBATION** for a period of at least five (5) years subject to the following terms and  
6 conditions:

7 a. During the period of probation, Respondent shall attend therapy with  
8 a psychiatrist or a masters or higher level mental health professional licensed at  
9 the independent level (“Mental Health Professional”), who shall be pre-approved  
10 by Board staff. Within 10 days of the effective date of this Consent Agreement,  
11 Respondent shall submit the name of a proposed Mental Health Professional and  
12 the Mental Health Professional’s curriculum vitae for pre-approval by Board staff.  
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14 b. Respondent shall remain in treatment with the Mental Health  
15 Professional throughout the probationary period. Respondent shall meet with the  
16 Mental Health Professional as recommended by the Mental Health Professional,  
17 but in no event not less than once every two months. Failure to comply with the  
18 Mental Health Professional’s treatment recommendations is a violation of this  
19 Order.

20 c. In the event Respondent obtains psychiatric medications from a  
21 provider other than the Mental Health Professional, that provider (“Psychiatric  
22 Medication Provider”) must be pre-approved by Board staff. Failure to comply  
23 with the Psychiatric Medication Provider’s treatment recommendations is a  
24 violation of this Order.  
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Respondent shall immediately update the Mental Health Provider, Psychiatric Medication Provider, and Monitoring Program if she discontinues any medication or begins any additional medication.

i. Respondent shall instruct the Mental Health Provider, Psychiatric Medication Provider, and Monitoring Program to release to Board Staff upon request all records relating to Respondent’s treatment, and to submit quarterly written reports to Board Staff regarding diagnosis, prognosis, medications, and recommendations for continuing care and treatment of Respondent. The reports shall be submitted on or before the 15th day of March, June, September, and December of each year, beginning on or before June 15, 2010.

j. Within ten days of the effective date of this order, Respondent shall enroll and participate in a 12-panel screen random drug testing schedule, specifically to include opiate testing, wherein Respondent is tested not less than two times per month when not working in a pharmacy and not less than four times per month when working in a pharmacy (the “Testing Program”). Provided that the results of Respondent’s drug testing during the first two years of probation are not positive for unauthorized use of drugs, Respondent may be tested not less than one time per month when not working in a pharmacy and not less than two times per month when working in a pharmacy during years 3, 4, and 5 of this Consent Agreement. The Testing Program shall be pre-approved by Board staff. Respondent shall furnish the Testing Program with a copy of the Consent Agreement and shall authorize and require the Testing Program to submit test results directly to the Monitoring Program and to the Board. In addition, Respondent shall authorize and require the testing facility to immediately notify

1 the Monitoring Program and the Board of any failure by Respondent to appear and  
2 be tested when requested to do so by the Testing Program.

3 k. Respondent shall furnish all pharmacy employers with a copy of this  
4 Consent Agreement. Within ten (10) days of the effective date of this Consent  
5 Agreement, Respondent shall have her current pharmacy employer, if any, submit  
6 a written acknowledgment to the Board that they have received a copy of this  
7 Consent Agreement. Thereafter, Respondent shall ensure that all pharmacy  
8 employers submit to the Board a written acknowledgement that they have received  
9 a copy of this Consent Agreement within ten (10) days of entering into an  
10 employment relationship with Respondent.

11 l. Respondent shall not serve as a preceptor pharmacist or pharmacist  
12 in charge.

13 m. Respondent shall advise the Board within ten (10) days of any  
14 change in pharmacy employment status.

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

22 2. Respondent shall pay all necessary fees and complete all continuing  
23 education requirements throughout the term of her probation.

24 3. Throughout the term of Respondent's probation, Respondent shall  
25 personally appear before the Board when requested to do so by the Board or Board staff.

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1           4.     Respondent shall furnish the Board with a list of all jurisdictions in which  
2 she maintains or has maintained licensure in the profession of pharmacy along with the  
3 registration numbers of said licenses.

4           5.     Respondent shall obey all federal and state laws and rules governing the  
5 practice of pharmacy.

6           6.     Respondent shall bear all costs relating to probation terms required in this  
7 Order.

8           7.     During the term of probation, if the Board receives information that  
9 Respondent has tested positive for the unauthorized use of drugs, Respondent has missed  
10 any counseling class or self-help group meeting required by the Monitoring program, or  
11 Respondent has failed to appear and be tested when requested to do so by the Testing  
12 Program, the Board will review that information at a Board meeting. If the Board  
13 determines that Respondent is noncompliant with any of these probationary terms,  
14 Respondent agrees that Pharmacist License No. S013750 will be immediately suspended  
15 pending proceedings for revocation or other action by the Board at a formal hearing.  
16 Respondent agrees that the formal hearing will be held at the Board's next regularly  
17 scheduled meeting.  
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20           8.     In addition to the suspension set forth in paragraph 7 above, if Respondent  
21 violates this Order in any way or fails to fulfill any of the requirements of this Order, the  
22 Board, after giving the Respondent notice and the opportunity to be heard, may revoke,  
23 suspend, or take other disciplinary actions against Respondent's license. The issue at  
24 such a hearing will be limited solely to whether this Order has been violated.  
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DATED this 3<sup>rd</sup> day of MAY 2010.

ARIZONA STATE BOARD OF PHARMACY

(Seal)

By:   
HAL WAND, R.Ph.  
Executive Director

ORIGINAL OF THE FORGOING FILED  
this 3 day of May 2010, with:

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

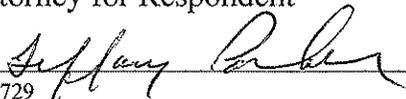
EXECUTED COPY OF THE FOREGOING MAILED  
BY FIRST-CLASS and CERTIFIED MAIL  
this 3 day of May 2010, to:

Jacqueline Rothschild  
1641 W. Kingbird Drive  
Chandler, Arizona 85286

EXECUTED COPY OF THE FOREGOING MAILED  
this 3 day of May 2010, to:

Elizabeth A. Campbell  
Assistant Attorney General  
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