

RECEIVED
11/16/09

1 TERRY GODDARD
Attorney General
2 (Firm State Bar No. 14000)

3 ELIZABETH A. CAMPBELL
4 Assistant Attorney General
State Bar No. 018311
5 1275 W. Washington, CIV/LES
6 Phoenix, Arizona 85007-2997
7 Tel: (602) 542-7979
Fax: (602) 364-3202

8 Attorneys for the Arizona State Board of Pharmacy

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

11 In the Matter of

12 **SCOTT ANDERSON,**

13 Holder of License No. 9087
14 As a Pharmacist
In the State of Arizona

Board Case No. 09-0016-PHR

**CONSENT AGREEMENT
FOR CIVIL PENALTY AND
CONTINUING EDUCATION**

15
16
17 **RECITALS**

18 In the interest of a prompt and judicious settlement of this case, consistent with the
19 public interest, statutory requirements and the responsibilities of the Arizona State Board
20 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Scott Anderson ("Respondent"),
21 holder of Pharmacist License Number 9087 in the State of Arizona, and the Board enter
22 into the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent
23 Agreement") as a final disposition of this matter.
24
25
26

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

4 2. Respondent understands that he has a right to a public administrative
5 hearing concerning the above captioned matter, at which hearing he could present
6 evidence and cross examine witnesses. By entering into this Consent Agreement,
7 Respondent knowingly and voluntarily relinquishes all right to such an administrative
8 hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or
9 any other administrative and/or judicial action, concerning the matters set forth herein.

10 3. Respondent affirmatively agrees that this Consent Agreement shall be
11 irrevocable.

12 4. Respondent understands that this Consent Agreement or any part of the
13 agreement may be considered in any future disciplinary action by the Board against him.

14 5. Respondent understands this Consent Agreement deals with Board
15 Complaint No. 3581 involving allegations of unprofessional conduct against Respondent.
16 The investigation into these allegations against Respondent shall be concluded upon the
17 Board's adoption of this Consent Agreement.

18 6. Respondent understands that this Consent Agreement does not constitute a
19 dismissal or resolution of any other matters currently pending before the Board, if any,
20 and does not constitute any waiver, express or implied, of the Board's statutory authority
21 or jurisdiction regarding any other pending or future investigation, action or proceeding.

22 7. Respondent also understands that acceptance of this Consent Agreement
23 does not preclude any other agency, subdivision, or officer of this State from instituting
24 any other civil or criminal proceedings with respect to the conduct that is the subject of
25 this Consent Agreement.

26

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

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

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

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

15 12. 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 13. 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 ...
23 ...
24 ...
25 ...

26

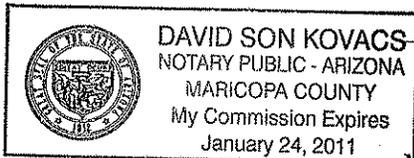
1 ACCEPTED AND AGREED BY RESPONDENT

2
3 Scott A. Anderson
4 Scott Anderson

Dated: 12-31-08

5 Subscribed and sworn to before me in the County of Maricopa, State of
6 Arizona,

7 this 31st day of December, 2008, by Scott Anderson.



David Son Kovacs
11
12 NOTARY PUBLIC

My Commission expires: Jan 24, 2011

13 **FINDINGS OF FACT**

- 14 1. The Board is the duly constituted authority for licensing and regulating the
15 practice of pharmacy in the State of Arizona.
- 16 2. Respondent is the holder of license number 9087 to practice as a pharmacist in the
17 State of Arizona.
- 18 3. During all relevant times to these findings, Respondent worked as a pharmacist at
19 Bashas' United Drug #82 (the "Pharmacy") in Gold Canyon, Arizona.
- 20 4. On September 23, 2008, the complainant had a prescription for Clonidine 0.1 mg
21 filled for her son at the Pharmacy. Respondent instructed a pharmacy technician to get a bottle
22 of Clonidine. The pharmacy technician mistakenly gave Respondent a bottle of Clonazepam
23 instead of a bottle of Clonidine. Respondent failed to compare the description of the medicine
24 from the bottle with the medication stated on the prescription.

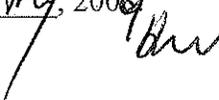
1 ORDER

2 Based upon the above Findings of Fact and Conclusions of Law, IT IS HEREBY
3 ORDERED THAT:

4 1. Respondent's pharmacist's license number 9087 is placed on PROBATION for a
5 six-month period beginning on the effective date of this Order. During the term of probation
6 Respondent shall:

- 7 a. Pay a civil penalty of \$1,000.00; and
8 b. Successfully complete and provide proof of successful completion to the
9 Board of eight (8) contact hours (0.8 C.E.U.) of American Council on
10 Pharmaceutical Education (ACPE) courses. The courses shall be pre-
11 approved by Board staff, shall be limited to topics dealing with
12 prescription error prevention, and shall be in addition to the requirements
13 of A.R.S. § 32-1936 and A.A.C. R4-23-204.

14 2. Upon payment of the civil penalty required under 1(a) above and presentation of
15 proof of successful completion of the continuing education required under 1(b) above,
16 Respondent's probation shall terminate.

17
18 DATED this 30th day of January, 2008
19 

20 ARIZONA STATE BOARD OF PHARMACY

21 (Seal)

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