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ARIZONA STATE
BOARD OF PHARMACY

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Attorneys for the Arizona State Board of Pharmacy

BEFORE THE ARIZONA STATE BOARD OF PHARMACY

In the Matter of **OYUKI URIARTE,** Holder of License No. T0012763 As a Pharmacy Technician In the State of Arizona	Board Case No. 09-0024-PHR **CONSENT AGREEMENT FOR CIVIL PENALTY**

RECITALS

In the interest of a prompt and judicious settlement of this case, consistent with the public interest, statutory requirements and the responsibilities of the Arizona State Board of Pharmacy ("Board") under A.R.S. § 32-1901 *et. seq.*, Oyuki Uriarte ("Respondent"), holder of Pharmacy Technician License Number T0012763 in the State of Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final disposition of this matter.

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.

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

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

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

5. Respondent understands this Consent Agreement deals with Board Complaint No. 3554 involving allegations of unprofessional conduct against Respondent. The investigation into these allegations against Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

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

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

8. Respondent acknowledges and agrees that, upon signing this Consent Agreement and returning this document to the Board's Executive Director, she may not revoke her acceptance of the Consent Agreement or make any modifications to the

document regardless of whether the Consent Agreement has been signed by the Executive Director. Any modification to this original document is ineffective and void unless mutually agreed by the parties in writing.

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

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

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

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

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

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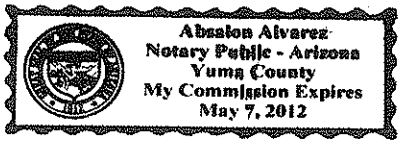
ACCEPTED AND AGREED BY RESPONDENT

Oyuki Uriarte

Dated: 2/11/09

Subscribed and sworn to before me in the County of Yuma, State of Arizona, this 11 day of Feb, 2009, by Oyuki Uriarte.



NOTARY PUBLIC

My Commission expires: May, 7, 2012

FINDINGS OF FACT

1. The Board is the duly constituted authority for licensing and regulating the practice of pharmacy in the State of Arizona.

2. Respondent holds Arizona Pharmacy Technician License Number T0012763.

3. During all times relevant to these Findings, Respondent worked as a pharmacy technician at Walgreens Drug number 2219 in Yuma, Arizona ("Pharmacy").

4. In March 2008, the Pharmacy received a prescription that appeared to be for .100 mg Digoxin. The strength of .100 mg is not made.

5. Pharmacist Fahad Alnoad instructed Respondent to call and clarify the prescription with the prescriber.

6. Respondent contacted the prescribing nurse practitioner, who instructed Respondent that the patient should receive 4 tablets of 0.25 mg Digoxin.

6. A pharmacist, graduate intern, or pharmacy intern is required to check the prescription order date entry to ensure that the data input communicates the prescriber's directions precisely by verifying the dose, dosage form, route of administration, dosing frequency, and quantity. AAC R4-23-402(A)(10)(c).

CONCLUSIONS OF LAW

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

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

3. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1901.01(C)(15) (Violating or attempting to violate, directly or indirectly, or assisting in or abetting in the violation of, or conspiring to violate Board statutes or rules)

4. The conduct and circumstances described above constitute a violation of AAC R4-34-1104(C) (A pharmacy technician may not perform a function reserved for a pharmacist, graduate intern, or pharmacy intern in accordance with AAC R4-23-402 or R4-23-653).

ORDER

Based upon the above Findings of Fact and Conclusions of Law, it is hereby ORDERED that Respondent pay a civil penalty of $250.00 within six (6) months of the effective date of this Order.

DATED this 19th day of March, 2009.

ARIZONA STATE BOARD OF PHARMACY

(Seal)

By: _____
HAL WAND, R.Ph.
Executive Director

ORIGINAL OF THE FORGOING FILED
this 19 day of March, 2009, with:

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

EXECUTED COPY OF THE FOREGOING MAILED
BY CERTIFIED MAIL
this 19 day of March, 2009, to:

Oyuki Uriarte
3330 W. Naranjo Pl.
Somerton, Arizona 85364
Respondent

EXECUTED COPY OF THE FOREGOING MAILED
this 19 day of March, 2009, to:

Roger N. Morris
Quarles & Brady, LLP
One Renaissance Square, Two N. Central Ave.
Phoenix, Arizona 85004
Attorney for Respondent

Elizabeth A. Campbell
Assistant Attorney General
1275 W. Washington Street, CIV/LES
Phoenix, Arizona 85007
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