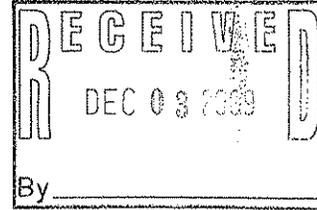


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7 Attorneys for the Arizona State Board of Pharmacy

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

9
10 In the Matter of
11 **PAMELA AHLMER,**
12 Holder of License No. S014709
13 As a Pharmacist
14 In the State of Arizona

Board Case No. 10-0030-PHR
**CONSENT AGREEMENT
FOR SUSPENSION AND
PROBATION**

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.*, Pamela Ahlmer ("Respondent"),
18 holder of Pharmacist License Number S014709 in the State of Arizona, and the Board
19 enter into the following Recitals, Findings of Fact, Conclusions of Law and Order
20 ("Consent Agreement") as a final disposition of this matter.

21 **RECITALS**

22 1. Respondent has read and understands this Consent Agreement and has had
23 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
24 opportunity to discuss this Consent Agreement with an attorney.
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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. 3714 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. 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
26

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).

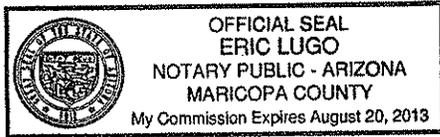
22 ...
23 ...
24 ...
25 ...
26 ...

1 ACCEPTED AND AGREED BY RESPONDENT

2 Pamela Ahlmer
3 Pamela Ahlmer

Dated: 12/1/09

4 Subscribed and sworn to before me in the County of Maricopa, State of AZ
5 this 1 day of Dec, 2009, by Pamela Ahlmer.



6 [Signature]
7 NOTARY PUBLIC

8 My Commission expires: 8/20/2013

9 **FINDINGS OF FACT**

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

12 2. Respondent is the holder of license number S014709 to practice as a
13 pharmacist in the State of Arizona.

14 3. During all relevant times to these findings, Respondent worked as a
15 pharmacist at Safeway Pharmacy #1997 in Surprise, Arizona.

16 4. During an interview with Safeway loss prevention personnel in April 2009,
17 Respondent admitted to diverting \$1,796.78 from Safeway. Respondent fraudulently
18 using a Safeway coupon code, which was supposed to be used to take \$30 off the price of
19 a new or transferred prescription order. Respondent fraudulently used the coupon code to
20 pay prescription co-pays for her and her family.

21 5. On April 9, 2009, Respondent signed a promissory note agreeing to pay
22 Safeway \$1,796.78.

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1 CONCLUSIONS OF LAW

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

4 2. The Board may discipline a pharmacist who has engaged in unprofessional
5 conduct. A.R.S. § 32-1927(A)(1).

6 3. The conduct and circumstances described in the Findings of Fact constitute
7 a violation of A.R.S. § 13-1802(A)(1) (A person commits theft if, without lawful
8 authority, the person knowingly controls another person's property with the intent to
9 deprive that other person of such property). Theft is a crime of moral turpitude. *State v.*
10 *Superior Court of Pima County*, 121 Ariz. 174, 175-76, 589 P.2d 48, 49-50 (App. 1978)
11 (shoplifting involves moral turpitude and bears a close relationship to the common law
12 crime of larceny).

13 4. The conduct and circumstances described above constitutes unprofessional
14 conduct pursuant to A.R.S. § 32-1901.01(B)(8) (Committing a felony, whether or not
15 involving moral turpitude, or a misdemeanor involving moral turpitude or any drug-
16 related offense. In either case, conviction by a court of competent jurisdiction or a plea
17 of no contest is conclusive evidence of the commission).

18 ORDER

19 Based upon the above Findings of Fact and Conclusions of Law, the Board issues
20 the following Order:

21 1. Respondent's Pharmacist License No. S014709, which was issued to
22 Respondent for the practice of Pharmacy in the State of Arizona, is **SUSPENDED** for a
23 period of sixty (60) days. Respondent was not working as a pharmacist from April 20 to
24 June 23, 2009. The period that Respondent was not working as a pharmacist is
25 considered as having fulfilled the suspension requirement in this Order.

1 2. Respondent's pharmacist's license number S014709 is immediately placed
2 on **PROBATION** for two (2) years.

3 3. Within sixty (60) days from the effective date of this Consent Agreement,
4 Respondent shall pay a civil penalty of \$1,000.00.

5 4. Within ninety (90) days from the effective date of this Consent Agreement,
6 Respondent shall successfully complete the Arizona MPJE examination and provide
7 proof of the successful completion to the Board.

8 5. During the period of suspension and/or probation, Respondent shall
9 complete 200 hours of community service approved by Board staff. Respondent shall
10 obtain the approval of the Board staff prior to beginning the community service.
11 Respondent shall ensure that all entities to which she provides community service verify
12 in writing to the Board the number of hours completed within 30 days of completing the
13 community service.

14 6. Throughout the term of Respondent's probation, Respondent shall furnish
15 all pharmacy employers with a copy of this Consent Agreement. Respondent shall ensure
16 that all pharmacy employers submit to the Board a written acknowledgement that they
17 have received a copy of this Consent Agreement within ten (10) days of entering into an
18 employment relationship with Respondent.

19 7. Throughout the term of Respondent's probation, Respondent shall not serve
20 as a preceptor pharmacist or pharmacist in charge.

21 8. Throughout the term of Respondent's probation, Respondent shall advise
22 the Board within ten (10) days of any change in pharmacy employment status.

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

1 10. Respondent shall pay all necessary fees and complete all continuing
2 education requirements throughout the term of her suspension and probation to maintain
3 Pharmacist License No. S014709.

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

7 12. Respondent shall obey all federal and state laws and rules governing the
8 practice of pharmacy.

9 13. If Respondent violates this Order in any way or fails to fulfill the
10 requirements of this Order, the Board, after giving the Respondent notice and the
11 opportunity to be heard, may revoke, suspend or take other disciplinary actions against
12 Respondent's license. The issue at such a hearing will be limited solely to whether this
13 Order has been violated.

14
15 DATED this 7th day of December, 2009.

17 ARIZONA STATE BOARD OF PHARMACY

18 (Seal)

19
20 By:



21 HAL WAND, R.Ph.
22 Executive Director

23
24 mauler 12/08/09 - TND

25 to E. Campbell - AG

26 C. Munns - Sit. Gen

P. Admes - Reg + Cert Mail