

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:

6 **LAURAL SUYDAM,**

7 Holder of License No. T007672  
8 as a Pharmacy Technician  
9 in the State of Arizona

**FINDINGS OF FACT, CONCLUSIONS  
of LAW and BOARD ORDER  
No. 10-0065-PHR**

10  
11 Pursuant to Notice of Hearing Number 10-0065-PHR (Notice) this matter came before  
12 the Arizona State Board of Pharmacy (Board) on September 16, 2010.

13  
14 Zina Berry, president, presided with members James Foy, JoAnne Galindo, Dennis  
15 McAllister, Dan Milovich, Steve Haiber, Kyra Locnikar, Louanne Honeyestewa and Tom Van  
16 Hassel in attendance.

17  
18 The State was represented by the Office of the Attorney General, Elizabeth Campbell,  
19 Assistant Attorney General, Licensing and Enforcement Section. Mary Jo Foster, of the  
20 Solicitor General's Section of the Attorney General's Office was present provide independent  
21 legal advice to the Board. Stephen Marks, (Respondent) was present and was not represented  
22 by an attorney. The Board, after considering the testimony and evidence presented, hereby  
23 issues the following Findings of Fact, Conclusions of Law, and Order.  
24

25  
26 **FINDINGS OF FACT**

- 27  
28 1. At all times relevant to these findings, Respondent worked as a pharmacy technician for  
29 Fry's Pharmacy #675 in Buckeye, Arizona (the "Pharmacy").

- 1 2. Respondent diverted hydrocodone/APAP from the Pharmacy. In a written statement  
2 dated January 4, 2010, the Respondent admitted to diverting 1 or 2 bottles of  
3 hydrocodone/APAP per month, which later increased to 1 to 2 bottles per week.  
4 Respondent admitted that she started diverting hydrocodone/APAP in September 2009  
5 and that she is addicted to the medication.  
6
- 7 3. The Pharmacy terminated Respondent's employment on about January 4, 2010.
- 8 4. Hydrocodone/APAP is a Schedule III controlled substance. A.R.S. § 36-2514(A)(5)(d).
- 9 5. A controlled substance audit by the Pharmacy documented a shortage of approximately  
10 3,000 tablets of hydrocodone/APAP 10/325 between September 1, 2009, and January 4,  
11 2010. The audit did not disclose who was responsible for the shortage.  
12

### 13 CONCLUSIONS of LAW

- 14 1. The Board possesses jurisdiction over the subject matter and over Respondent pursuant  
15 to A.R.S. § 32-1901 *et seq.*  
16
- 17 2. Pursuant to A.R.S. § 32-1927.01(A)(1), the Board may discipline a pharmacy  
18 technician who has engaged in unprofessional conduct.
- 19 3. The conduct described above constitutes a violation of A.R.S. § 13-1802(A)(1) (A  
20 person commits theft if, without lawful authority, the person knowingly controls  
21 another person's property with the intent to deprive that other person of such property).  
22 Theft is a crime of moral turpitude.  
23
- 24 4. The conduct described above constitutes a violation of A.R.S. § 13-3406(A)(1) (A  
25 person may not knowingly possess or use a prescription-only drug unless the person  
26 obtains the prescription-only drug pursuant to a valid prescription of a licensed  
27 prescriber). Furthermore, a person may not knowingly obtain or procure the  
28 administration of a prescription-only drug by fraud, deceit, misrepresentation or  
29 subterfuge. A.R.S. § 13-3406(A)(6).

- 1 5. The conduct described above constitutes a violation of A.R.S. § 36-2531(E) (A person  
2 may not knowingly or intentionally acquire or obtain possession of a controlled  
3 substance by means of forgery, fraud, deception or subterfuge).  
4
- 5 6. The conduct described above constitutes a violation of A.R.S. § 36-2525(H) (Except  
6 when dispensed directly by a medical practitioner to an ultimate user, a controlled  
7 substance included in schedule III or IV that requires a prescription order as determined  
8 under state or federal laws shall not be dispensed without a written or oral prescription  
9 order of a medical practitioner).  
10
- 11 7. The conduct described above constitutes a violation of A.R.S. § 36-2531(A)(1) (It is  
12 unlawful for any person who is subject to A.R.S. § 36-2521 *et seq.* to intentionally or  
13 knowingly distribute or dispense a controlled substance in violation of section 36-  
14 2525).  
15
- 16 8. Respondent's conduct described above constitutes a violation of A.R.S. § 32-1968(A)  
17 ("A prescription-only drug shall be dispensed only under one of the following  
18 conditions: (1) By a medical practitioner in conformance with A.R.S. § 32-1921; (2) On  
19 a written prescription order bearing the prescribing medical practitioner's manual  
20 signature; (3) On an electronically transmitted prescription order containing the  
21 prescribing medical practitioner's electronic or digital signature that is reduced  
22 promptly to writing and filed by the pharmacist; (4) On a written prescription order  
23 generated from electronic media containing the prescribing medical practitioner's  
24 electronic or manual signature. A prescription order that contains only an electronic  
25 signature must be applied to paper that uses security features that will ensure the  
26 prescription order is not subject to any form of copying or alteration; (5) On an oral  
27 prescription order that is reduced promptly to writing and filed by the pharmacist; (6)  
28 By refilling any written, electronically transmitted or oral prescription order if a refill is  
29

1 authorized by the prescriber either in the original prescription order, by an  
2 electronically transmitted refill order that is documented promptly and filed by the  
3 pharmacist or by an oral refill order that is documented promptly and filed by the  
4 pharmacist.”).

5  
6 9. The conduct described above constitutes unprofessional conduct pursuant to A.R.S. §  
7 32-1901.01(C)(2) (“Violating a federal or state law or administrative rule relating to the  
8 manufacture or distribution of drugs or devices.”).

9  
10 10. The conduct described above constitutes unprofessional conduct pursuant to A.R.S. §  
11 32-1901.01(C)(6) (“Committing a felony, whether or not involving moral turpitude, or  
12 a misdemeanor involving moral turpitude or any drug- related offense. In either case,  
13 conviction by a court of competent jurisdiction or a plea of no contest is conclusive  
14 evidence of the commission.”).

15 11. The conduct described above constitutes unprofessional conduct pursuant to A.R.S. §  
16 32-1901.01(C)(8) (“Violating a federal or state law or administrative rule relating to  
17 marijuana, prescription-only drugs, narcotics, dangerous drugs, controlled substances or  
18 precursor chemicals when determined by the board or by conviction in a federal or state  
19 court.”).

20  
21 **ORDER**

22 In view of the above Findings of Fact and Conclusions of Law, the Board issues the  
23 following Order:

24  
25 The pharmacy technician license issued to Loral Suydam is hereby revoked.  
26  
27  
28

29 ///



1 COPIES mailed this 20 day of September, 2010

2 By Certified Mail Receipt No. 7009 0820000004058 to:

3  
4 Laural Suydam  
5 35315 W. Steinway Dr.  
6 Arlington, AZ 85322  
7 Respondent

8 COPIES of the foregoing mailed this 20 day of September, 2010, to:

9 Elizabeth Campbell, *TWP*  
10 Assistant Attorney General

11 and

12 Mary Jo Foster,  
13 Assistant Attorney General,  
14 Solicitors Office

15 Both located at  
16 1275 W. Washington  
17 Phoenix, AZ 85007  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29