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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 **SONIA QUIJANO,**

12 Holder of License No. S012323
As a Pharmacist
13 In the State of Arizona

Board Case No. 11-0016-PHR

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

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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.*, Sonia Quijano (“Respondent”),
18 holder of Pharmacist License Number S012323 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. 3839 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 13. Respondent agrees that the Board will adopt the following Findings of Fact,
23 Conclusions of Law and Order.

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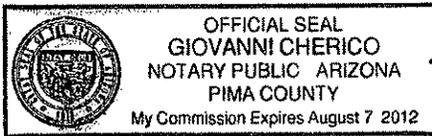
26 ...

1 ACCEPTED AND AGREED BY RESPONDENT

2 Sonia Quijano
3 Sonia Quijano

Dated: 8/30/10

4 Subscribed and sworn to before me in the County of Pima, State of Arizona,
5 this 30 day of August, 2010, by Sonia Quijano.



7 Giovanni Cherico
8 NOTARY PUBLIC

My Commission expires: 08/07/12

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 S012323 to practice as a
13 pharmacist in the State of Arizona.

14 3. During all relevant times to these findings, Respondent worked as the
15 pharmacist in charge at CVS Pharmacy #8420 (the "Pharmacy") in Marana, Arizona.

16 4. In April 2010, a patient submitted a prescription for 180 mycophenolate
17 250 mg capsules with refills. The prescription was filled for 540 mycophenolate
18 capsules. The prescriber was not contacted to authorize the increased days supply. The
19 Pharmacy filled the prescription with five stock bottles of 100 count plus 40 additional
20 capsules. One of the 100-count bottles contained nitrofurantoin 50 mg instead of
21 mycophenolate
22 mycophenolate

23 5. Respondent was the verifying pharmacist, but failed to catch the error. The
24 patient took some of the incorrect capsules.
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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 above constitutes unprofessional
7 conduct pursuant to A.R.S. § 32-1901.01(B)(2) (Violating any federal or state law, rule or
8 regulation relating to the manufacture or distribution of drugs and devices or the practice
9 of pharmacy).

10 4. The conduct described above violated Arizona Administrative Code R4-23-
11 402(A)(10)(c) (In dispensing a prescription medication from a prescription order, a
12 pharmacist shall check prescription order data entry to ensure that the data input
13 communicates the prescriber's directions precisely by verifying dose, dosage form, route
14 of administration, dosing frequency, and quantity).

15 5. The conduct described above violated Arizona Administrative Code R4-23-
16 402(A)(11) (In dispensing a prescription medication from a prescription order, a
17 pharmacist shall make a final accuracy check of the completed prescription medication).

18 ORDER

19 Based upon the above Findings of Fact and Conclusions of Law, IT IS HEREBY
20 ORDERED THAT Respondent shall:

21 1. Pay a civil penalty of \$1,000.00 within **90 days** of the effective date of this
22 Order; and

23 2. Successfully complete and provide proof of successful completion to the
24 Board of six (6) contact hours (0.6 C.E.U.) of American Council on Pharmaceutical
25 Education course(s) on the topic of error prevention. The required course(s) must be
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1 completed within **90 days** of the effective date of this Order, must be pre-approved by
2 Board staff, and shall be in addition to the requirements of A.R.S. § 32-1936 and A.A.C.
3 R4-23-204.

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

9
10 DATED this 15th day of September, 2010.

11
12 ARIZONA STATE BOARD OF PHARMACY

13 (Seal)

14 By: 
15 HAL WAND, R.Ph.
16 Executive Director
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1 ORIGINAL OF THE FORGOING FILED
this 16 day of Sept, 2010, with:

2 Arizona State Board of Pharmacy
3 1700 West Washington, Suite 250
4 Phoenix, Arizona 85007

5 EXECUTED COPY OF THE FOREGOING MAILED
BY CERTIFIED MAIL

6 this 16 day of Sept, 2010, to:

7 Sonia Quijano
8 8424 N. Sand Flower
9 Tucson, Arizona 85743
10 Respondent

11 EXECUTED COPY OF THE FOREGOING MAILED
12 this 16 day of Sept, 2010, to:

13 Roger N Morris R.Ph.,J.D.
14 Quarles & Brady L.L.P.
15 2 North Central Avenue
16 Phoenix, Arizona 85004
17 Attorney for Respondent

18 Elizabeth A. Campbell
19 Assistant Attorney General
20 1275 W. Washington Street, CIV/LES
21 Phoenix, Arizona 85007
22 Attorney for the Board

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#959141