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1 TOM HORNE  
Attorney General  
2 Firm State Bar No. 14000  
3 ELIZABETH A. CAMPBELL  
Assistant Attorney General  
4 State Bar No. 018311  
1275 W. Washington, CIV/LES  
5 Phoenix, Arizona 85007-2997  
Tel: (602) 542-7681  
6 Fax: (602) 364-3202

7 Attorneys for the Arizona State Board of Pharmacy

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

10 In the Matter of

11 **ROBIN O'NELE**

12 Holder of License No. S014246  
13 To Practice as a Pharmacist in the State of  
Arizona

Board Case No. 11-0038-PHR

**CONSENT AGREEMENT  
AND ORDER FOR SUSPENSION  
AND PROBATION**

14

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.*, Robin O'Nele ("Respondent"),  
18 holder of Pharmacist License Number S014246 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.

25

26

1           2.     Respondent understands that she has a right to a public administrative  
2 hearing concerning this matter, at which hearing she could present evidence and cross  
3 examine witnesses. By entering into this Consent Agreement, Respondent knowingly  
4 and voluntarily relinquishes all right to such an administrative hearing, as well as rights  
5 of rehearing, review, reconsideration, appeal, judicial review or any other administrative  
6 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 number 3908 involving allegations of unprofessional conduct against  
13 Respondent. The investigation into these allegations against Respondent shall be  
14 concluded upon the 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.

24 ...

25 ...

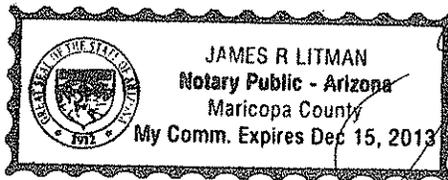
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1 ACCEPTED AND AGREED BY RESPONDENT

2 Robin O'Nele  
3 Robin O'Nele

Dated: 3/2/2011

4 Subscribed and sworn to before me in the County of MARICOPA, State of ARIZONA,  
5 this 2ND day of MARCH, 2011, by Robin O'Nele.



J. R. J.  
NOTARY PUBLIC

My Commission expires: 12/15/2013

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 S014246 to practice as a  
13 pharmacist in the State of Arizona.

14 3. At all times relevant to these findings, Respondent worked as a pharmacist  
15 at Fry's #78 in Anthem, Arizona (the "Pharmacy").

16 4. In December 2010, Respondent admitted to Pharmacy personnel that she  
17 diverted alprazolam 1 mg and 2 mg, Xanax® (alprazolam) 2 mg, hydrocodone/APAP  
18 7.5/325 mg, hydrocodone/APAP 7.5/500 mg, hydrocodone/APAP 10/325 mg,  
19 hydrocodone/APAP 10/500 mg, lorazepam 1 mg and 2 mg, zolpidem 10 mg, and  
20 carisoprodol 350 mg from the Pharmacy.

21 5. Alprazolam is a Schedule IV controlled substance. A.R.S. § 36-  
22 2515(A)(2)(a).

23 6. Hydrocodone/APAP is a Schedule III controlled substance. A.R.S. § 36-  
24 2514(A)(5)(d).



1 under one of the following conditions: (1) By a medical practitioner in conformance with  
2 A.R.S. § 32-1921; (2) On a written prescription order bearing the prescribing medical  
3 practitioner's manual signature; (3) On an electronically transmitted prescription order  
4 containing the prescribing medical practitioner's electronic or digital signature that is  
5 reduced promptly to writing and filed by the pharmacist; (4) On a written prescription  
6 order generated from electronic media containing the prescribing medical practitioner's  
7 electronic or manual signature. A prescription order that contains only an electronic  
8 signature must be applied to paper that uses security features that will ensure the  
9 prescription order is not subject to any form of copying or alteration; (5) On an oral  
10 prescription order that is reduced promptly to writing and filed by the pharmacist; (6) By  
11 refilling any written, electronically transmitted or oral prescription order if a refill is  
12 authorized by the prescriber either in the original prescription order, by an electronically  
13 transmitted refill order that is documented promptly and filed by the pharmacist or by an  
14 oral refill order that is documented promptly and filed by the pharmacist.”)

15 4. The conduct and circumstances described above constitutes unprofessional  
16 conduct pursuant to A.R.S. § 32-1901.01(B)(10) (Violating a federal or state law or  
17 administrative rule relating to marijuana, prescription-only drugs, narcotics, dangerous  
18 drugs, controlled substances, or precursor chemicals).

19 **ORDER**

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

22 1. Respondent's Pharmacist License No. S014246 is hereby **SUSPENDED**,  
23 subject to the following terms and conditions:

24 A. Respondent's license is suspended for at least six (6) months from  
25 **December 16, 2010**, the date Respondent entered in-patient substance abuse  
26

1 treatment. The period of suspension shall be determined by the Board after  
2 reviewing (i) information from Pharmacists Assisting Pharmacists of Arizona  
3 (“PAPA”) regarding Respondent’s compliance with the terms of her PAPA  
4 program/contract; (ii) a progress report/recommendation from Respondent’s  
5 PAPA counselor, which may be submitted in writing to the Board; and (iii) any  
6 input from Respondent.

7 B. No sooner than six (6) months from **December 16, 2010**,  
8 Respondent may request in writing that the Board terminate the suspension.  
9 Respondent’s request to terminate suspension will be considered at a regularly  
10 scheduled Board meeting. Respondent is required to personally appear at that  
11 Board meeting.

12 C. Respondent shall, within ten (10) days of the effective date of this  
13 Order, return her pharmacist license to the Board office for the period of  
14 suspension.

15 D. **Upon execution of this Consent Agreement, Respondent shall**  
16 **immediately sign a new contract with PAPA which shall extend for the entire**  
17 **term of her suspension and probation under this Consent Agreement.**  
18 Respondent shall abide by each and every requirement of the new PAPA contract.  
19 Failure to participate in the PAPA program, complete the PAPA program, or to  
20 abide by the PAPA contract’s terms is a violation of this Order.

21 2. Upon termination of the period of suspension by the Board, Respondent’s  
22 reinstated license shall immediately be placed on **PROBATION**. Respondent’s  
23 probation is subject to the following conditions:

24 A. No sooner than five (5) years from the beginning of Respondent’s  
25 probationary period, Respondent shall request in writing that the Board terminate  
26

1 her probation. Respondent's request for termination will be considered at a  
2 regularly scheduled Board meeting. Respondent is required to personally appear  
3 at that Board meeting. Respondent's probationary period will continue until  
4 Respondent's request for termination is received and the Board terminates the  
5 probation.

6 B. Respondent shall continue to comply with the terms of her PAPA  
7 contract.

8 C. Respondent shall furnish all pharmacy employers with a copy of this  
9 Consent Agreement. Respondent shall ensure that all pharmacy employers submit  
10 to the Board a written acknowledgement that they have received a copy of this  
11 Consent Agreement within ten (10) days of entering into an employment  
12 relationship with Respondent.

13 D. Respondent shall not serve as a preceptor pharmacist or pharmacist  
14 in charge.

15 E. Respondent shall advise the Board within ten (10) days of any  
16 change in pharmacy employment status.

17 3. Within five (5) years from the execution date of this Consent Agreement,  
18 Respondent shall complete 400 hours of community service approved by Board staff.  
19 Respondent shall ensure that all entities to which she provides community service verify  
20 in writing to the Board the number of hours completed within 30 days of Respondent  
21 completing the community service.

22 4. Respondent shall pay all necessary fees and complete all continuing  
23 education requirements throughout the term of her suspension and probation.

1           5. Throughout the term of Respondent's suspension and probation,  
2 Respondent shall personally appear before the Board when requested to do so by the  
3 Board or Board staff.

4           6. 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           7. Respondent shall obey all federal and state laws and rules governing the  
8 practice of pharmacy.

9           8. Respondent shall execute all appropriate release of information forms to  
10 permit the Respondent's treatment professionals and PAPA to communicate with the  
11 Board regarding Respondent's treatment.

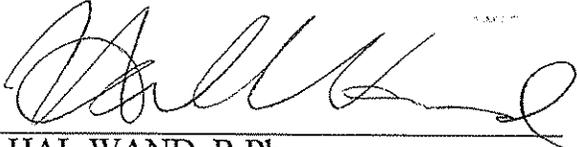
12           9. Respondent shall pay all costs associated with complying with this Consent  
13 Agreement, including all expenses associated with PAPA.

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

19           DATED this 18<sup>th</sup> day of MARCH 2011.

21 ARIZONA STATE BOARD OF PHARMACY

22 (Seal)

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

1 ORIGINAL OF THE FORGOING FILED  
this 21 day of March, 2011, with:

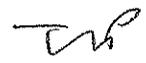
2 Arizona State Board of Pharmacy  
3 1700 West Washington, Suite 250  
4 Phoenix, Arizona 85007

5 EXECUTED COPY OF THE FOREGOING MAILED  
6 BY FIRST-CLASS and CERTIFIED MAIL  
this 21 day of March, 2011, to:

7 Robin O'Nele  
8 3656 W. Denali Drive  
9 Anthem, Arizona 85086  
10 Respondent

11 EXECUTED COPY OF THE FOREGOING MAILED  
12 this 21 day of March, 2011, to:

13 Elizabeth A. Campbell  
14 Assistant Attorney General  
15 1275 W. Washington Street, CIV/LES  
16 Phoenix, Arizona 85007  
17 Attorney for the Board



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