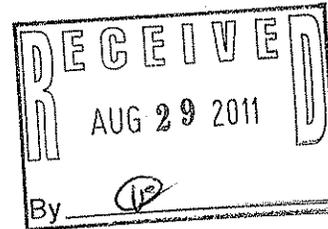


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7 Attorneys for the Arizona State Board of Pharmacy

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

10 In the Matter of

11 **Pricilla Ofori-Kyei,**

12 Holder of License No. 11403
As a Pharmacist
13 In the State of Arizona

Board Case No. 12-0003-PHR

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

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.*, Pricilla Ofori-Kyei
18 ("Respondent"), holder of Pharmacist License Number 11403 in the State of Arizona, and
19 the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and
20 Order ("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 No. 3945 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.

24 ...

25 ...

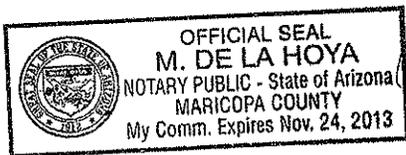
26 ...

1 ACCEPTED AND AGREED BY RESPONDENT

2 Pricilla Ofori-Kyei
3 Pricilla Ofori-Kyei

8/29/11
Dated:

4
5 Subscribed and sworn to before me in the County of Maricopa, State of Arizona
6 this 29th day of August, 2011, by Pricilla Ofori-Kyei



7
8 M. De La Hoya
9 NOTARY PUBLIC

10 My Commission expires: Nov. 24, 2013

11 **FINDINGS OF FACT**

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

14 2. Respondent is the holder of license number 11403 to practice as a
15 pharmacist in the State of Arizona.

16 3. During all relevant times to these findings, Respondent worked as a
17 pharmacist at Walgreens Central Pharmacy Operations Mail #2628 (the "Pharmacy") in
18 Tempe, Arizona.

19 4. In February 2010, a patient had a prescription for Lamivudine filled at the
20 Pharmacy. The prescription was entered, verified, and dispensed as Lamital. The patient
21 took all but three of the ninety tablets of the incorrectly dispensed medication.
22

23 5. Respondent was the verification pharmacist when the medication was
24 dispensed.
25
26

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) (b).

12 ORDER

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

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

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

23 3. Respondent shall pay all costs associated with complying with this Consent
24 Agreement.

