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7 Attorneys for the Arizona State Board of Pharmacy

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

9 In the Matter of

10 **ROBERT WESTON,**

11 Holder of License No. S014326
12 As a Pharmacist
13 In the State of Arizona

Board Case No. 12-0016-PHR

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

14 In the interest of a prompt and judicious settlement of this case, consistent with the
15 public interest, statutory requirements and the responsibilities of the Arizona State Board
16 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Robert Weston ("Respondent"),
17 holder of Pharmacist License Number S014326 in the State of Arizona, and the Board
18 enter into the following Recitals, Findings of Fact, Conclusions of Law and Order
19 ("Consent Agreement") as a final disposition of this matter.

20 **RECITALS**

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

24 2. Respondent understands that he has a right to a public administrative
25 hearing concerning this matter at which hearing he could present evidence and cross
26

1 examine witnesses. By entering into this Consent Agreement, Respondent knowingly
2 and voluntarily relinquishes all right to such an administrative hearing, as well as rights
3 of rehearing, review, reconsideration, appeal, judicial review or any other administrative
4 and/or judicial action, concerning the matters set forth herein.

5 3. Respondent affirmatively agrees that this Consent Agreement shall be
6 irrevocable.

7 4. Respondent understands that this Consent Agreement or any part of the
8 agreement may be considered in any future disciplinary action by the Board against him.

9 5. Respondent understands this Consent Agreement deals with Board
10 Complaint No. 3977 involving allegations of unprofessional conduct against Respondent.
11 The investigation into these allegations against Respondent shall be concluded upon the
12 Board's adoption of this Consent Agreement.

13 6. Respondent understands that this Consent Agreement does not constitute a
14 dismissal or resolution of any other matters currently pending before the Board, if any,
15 and does not constitute any waiver, express or implied, of the Board's statutory authority
16 or jurisdiction regarding any other pending or future investigation, action or proceeding.

17 7. Respondent also understands that acceptance of this Consent Agreement
18 does not preclude any other agency, subdivision, or officer of this State from instituting
19 any other civil or criminal proceedings with respect to the conduct that is the subject of
20 this Consent Agreement.

21 8. Respondent acknowledges and agrees that, upon signing this Consent
22 Agreement and returning this document to the Board's Executive Director, he may not
23 revoke his acceptance of the Consent Agreement or make any modifications to the
24 document regardless of whether the Consent Agreement has been signed by the
25 Executive Director. Any modification to this original document is ineffective and void
26

1 unless mutually agreed by the parties in writing.

2 9. This Consent Agreement is subject to the approval of the Board and is
3 effective only when accepted by the Board and signed by the Executive Director. In the
4 event that the Board does not approve this Consent Agreement, it is withdrawn and shall
5 be of no evidentiary value and shall not be relied upon nor introduced in any action by
6 any party, except that the parties agree that should the Board reject this Consent
7 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the
8 Board was prejudiced by its review and discussion of this document or any records
9 relating thereto.

10 10. If a court of competent jurisdiction rules that any part of this Consent
11 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
12 shall remain in full force and effect.

13 11. Respondent understands that this Consent Agreement is a public record that
14 may be publicly disseminated as a formal action of the Board and may be reported as
15 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
16 Protection Data Bank.

17 12. Respondent understands that any violation of this Consent Agreement
18 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
19 1901.01(B)(20) and A.R.S. § - 1927(A)(1).

20 13. Respondent agrees that the Board will adopt the following Findings of Fact,
21 Conclusions of Law and Order.

22 ...

23 ...

24 ACCEPTED AND AGREED BY RESPONDENT

25 _____
26 _____

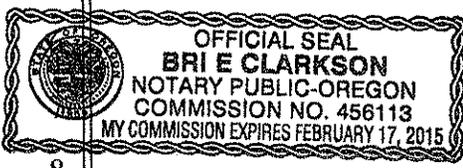
Dated: _____

Robert Weston 1/23/12

Robert Weston

Subscribed and sworn to before me in the County of Douglas, State of Oregon,
this 23rd day of January ~~2011~~ 2012, by Robert Weston

Bri Clarkson
NOTARY PUBLIC



My Commission expires: February 17, 2015

FINDINGS OF FACT

1. The Board is the duly constituted authority for licensing and regulating the practice of pharmacy in the State of Arizona.
2. Respondent is the holder of license number S014326 to practice as a pharmacist in the State of Arizona.
3. During all relevant times to these findings, Respondent worked a pharmacist at Spring Valley Pharmacy (the "Pharmacy") located in Mayer, Arizona.
4. On or about June 21, 2011, a patient had a prescription for Methyphenidate 10mg incorrectly filled with Methadone 10mg at the Pharmacy. The patient took 3 or 4 doses of the wrong medication and was hospitalized for several days as a result.
5. Respondent was the pharmacist on duty at the Pharmacy when the medication was dispensed and did not recognize the error during verification or during counseling.

CONCLUSIONS OF LAW

1 R4-23-204.

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

4 4. 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 March, ~~2011~~ 2012 (two)

11 ARIZONA STATE BOARD OF PHARMACY

12 (Seal)

13
14 By:



15 HAL WAND, R.Ph.
Executive Director

16 ORIGINAL OF THE FORGOING FILED
17 this 15 day of March, ~~2011~~ 2012 (two)

18 Arizona State Board of Pharmacy
19 1700 West Washington, Suite 250
Phoenix, Arizona 85007

20 EXECUTED COPY OF THE FOREGOING MAILED
21 BY CERTIFIED MAIL

this 15 day of March, ~~2011~~ 2012 (two)

22 Robert Weston
23 PO Box 751
24 Glide, Oregon 97443
Respondent

25 EXECUTED COPY OF THE FOREGOING MAILED
this 15 day of MARCH, ~~2011~~ 2012 (two)

26 Robert S. Chelle

PAID \$1000-
#1041
3-1-2012
R#225986

HALL & CHELLE

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Assistant Attorney General

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Attorney for the Board

 3/15/12

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