

1 ARIZONA STATE BOARD OF PHARMACY
2 1616 W. Adams Street, Room 120
3 Phoenix, Arizona 85007
4 (602) 771-2727

5 In the Matter of:

6 VALERIE ROSE HOLGUIN,

7 Holder of License No. T018155

8 As a Pharmacy Technician in the State of
9 Arizona

FINDINGS OF FACT, CONCLUSIONS
of LAW and BOARD ORDER
No. 12-0032-PHR

10
11 Pursuant to Notice of Hearing Number 12-0032-PHR (Notice) this matter came before
12 the Arizona State Board of Pharmacy (Board) on January 24, 2013.

13 Daniel Milovich, president, presided with vice-president Tom Van Hassel and members
14 James W. Foy, William Francis, Kyra Locnikar, Dennis McAllister, Reuben Minkus, John
15 Musil, and Nona Rosas in attendance.

16 The State was represented by the Office of the Attorney General, Monty Lee, Assistant
17 Attorney General, Licensing and Enforcement Section. Valerie Rose Holguin, (Respondent)
18 was not present and was not represented by an attorney. The Board granted the State's motion
19 to deem the allegations in the Complaint to be admitted. Based upon A.R.S. § 32-1927.01(O)
20 and the Complaint and Notice of Hearing No. 12-0032 filed in this matter, the Board issues the
21 following Findings of Fact and Conclusions of Law, and Order revoking Respondent's license.
22 The Board, after considering the testimony and evidence presented, hereby issues the
23 following Findings of Fact, Conclusions of Law, and Order.
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1 **FINDINGS OF FACT**

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3 1. During all relevant times to these findings, Respondent worked as a pharmacy
4 technician at Humana Right-Source, Permit No. Y 004390, located at 4302 W. Buckeye Road,
5 Phoenix, Arizona.

6 2. On or before March 12, 2012 Respondent tested positive for marijuana in a drug
7 screen test conducted by her employer Humana Right-Source, Permit No. Y 004390, located at
8 4302 W. Buckeye Road, Phoenix, Arizona.

9 3. As a result of the positive drug screen Respondent was terminated from her
10 employment with Humana Right-Source on or about March 12, 2012.

11 **CONCLUSIONS of LAW**

12
13 1. The Board possesses jurisdiction over the subject matter and over Respondent
14 pursuant to A.R.S. § 32-1901 *et seq.*

15
16 2. The Board may discipline a pharmacy technician who has engaged in
17 unprofessional conduct. A.R.S. § 32-1927.01(A) (1).

18
19 3. Respondent's practice and conduct, as described in the Findings of Fact,
20 constitutes unprofessional conduct pursuant to A.R.S. § 32-1901.01(C) (7) ("Working under
21 the influence of alcohol or other drugs").

22
23 4. Respondent's practice and conduct, as described in the Findings of Fact,
24 constitutes unprofessional conduct pursuant to A.R.S. § 32-1901.01(C) (8) ("Violating a
25 federal or state law or administrative rule relating to marijuana, prescription-only drugs,
26 narcotics, dangerous drugs, controlled substances or precursor chemicals when determined by
27 the Board or by conviction in a federal or state court.").

1 **ORDER**

2 In view of the above Findings of Fact and Conclusions of Law, the Board issues the
3 following Order:
4

5 The pharmacy technician license issued to Valerie Rose Holguin is hereby revoked.
6

7 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

8 Respondent is hereby notified of the right to petition for a rehearing or review by filing
9 a petition with the Board's Executive Director within thirty (30) days after service of this
10 Order. A.R.S. § 41-1092.09. The petition must set forth legally sufficient reasons for granting
11 a rehearing. A.C.C. R4-23-128. Service of this order is effective five (5) days after date of
12 mailing. If a motion for rehearing is not filed, the Board's Order becomes effective thirty-five
13 (35) days after it is mailed to Respondent.
14
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16 Respondent is further notified that the filing of a motion for rehearing is required to
17 preserve any rights of appeal to the Superior Court.
18

19 DATED this 3/5th day of January, 2013.
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21

22 **ARIZONA STATE BOARD OF PHARMACY**

23
24 SEAL

25 

26 _____
27 Hal Wand, R.Ph.
28 Executive Director
29

1 COPY OF THE FOREGOING MAILED
by CERTIFIED & REGULAR FIRST-CLASS MAIL
2 this 31 day of January, 2013, to:

3 Valerie Rose Holguin
4 1923 W. Campbell Avenue
Phoenix, Arizona 85015
5

6 COPY OF THE FOREGOING MAILED
7 this 31 day of January, 2013, to:

8 Christopher Munns
9 Assistant Attorney General
10 1275 W. Washington Street, CIV/SGO
Phoenix, Arizona 85007
Attorney for the Board

11 and

12 Monty Lee
13 Assistant Attorney General
14 1275 W. Washington Street, CIV/LES
Phoenix, Arizona 85007
Attorney for the State

15 Receipt # TW
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