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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 **SHERRI OXFORD,**  
12 Holder of License No. S009874  
13 As a Pharmacist  
In the State of Arizona

Board Case No. 12-0034-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.*, Sherri Oxford (“Respondent”),  
18 holder of Pharmacist License No. S009874 in the State of Arizona and the Board enter  
19 into the following Recitals, Findings of Fact, Conclusions of Law and Order (“Consent  
20 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 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. 4105 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) and A.R.S. § - 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 ...

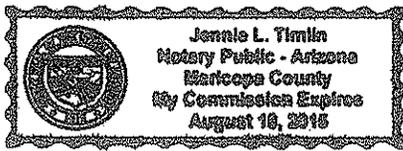
1 ACCEPTED AND AGREED BY RESPONDENT

2 [Signature]

3 Dated: 8/24/12

4 Sherri Oxford

5 Subscribed and sworn to before me in the County of Maricopa, State of Arizona,  
6 this 24 day of August, 2012, by Sherri Oxford.



7 [Signature]  
8 NOTARY PUBLIC

9 My Commission expires: Aug 18 2015

10 **FINDINGS OF FACT**

11  
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 S009874 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 Express Scripts Pharmacy (the "Pharmacy") located at 3001 S. Priest  
18 Drive, Tempe, Arizona.

19 4. On or about April 2, 2012 Respondent was on duty and working at the  
20 Pharmacy. While on duty Respondent was observed by Pharmacy personnel to be  
21 behaving in a manner justifying being requested to submit to blood alcohol testing.  
22 Respondent complied with the request and tested positive for a blood alcohol level of .07.  
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1 5. Respondent was terminated from her employment with the Pharmacy for violating  
2 Pharmacy policy regarding drugs and alcohol in the workplace.

3  
4 CONCLUSIONS OF LAW

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

7 2. The Board may discipline a pharmacist who has engaged in unprofessional  
8 conduct. A.R.S. § 32-1927(A) (1).

9 3. The conduct and circumstances described above constitutes unprofessional  
10 conduct pursuant to A.R.S. § 32-1901.01(B) (9) (Working under the influence of alcohol  
11 or other drugs).

12 ORDER

13 Based upon the above Findings of Fact and Conclusions of Law, the Board hereby  
14 issues the following Order:

15 1. Respondent's Pharmacist License No. S009874 is hereby placed on  
16 **SUSPENSION**, for a period of time, no less than six months, and thereafter  
17 **PROBATION** for a period of five years upon adoption of this Consent Agreement by the  
18 Board.

19 2. Respondent shall, within ten (10) days of the effective date of this Order,  
20 return her pharmacist license to the Board office for the period of **SUSPENSION**.

21 3. No sooner than six (6) months from the effective date of this Order,  
22 Respondent may request in writing that the Board terminate the **SUSPENSION**.  
23 Respondent's request to terminate suspension will be considered at a regularly scheduled  
24 Board meeting. Respondent is required to personally appear at that Board meeting.

1           4.     The period of **SUSPENSION** shall be determined by the Board after  
2 reviewing:

3           (i) information from the Pharmacists Assisting Pharmacists Program (PAPA)  
4 regarding Respondent's compliance with the terms of her PAPA program/contract;

5           (ii) a progress report/recommendation from Respondent's PAPA counselor, which  
6 may be submitted in writing to the Board; and

7           (iii) any input from Respondent.

8           5.     Within thirty (30) days of the effective date of this Consent Agreement  
9 Respondent shall enter a five (5) year agreement with PAPA and be placed on probation  
10 for a period of five (5) years subject to the following terms and conditions:

11           A.     No sooner than five (5) years from the beginning of Respondent's  
12 probationary period, Respondent shall request in writing that the Board terminate  
13 her probation. Respondent's request for termination will be considered at a  
14 regularly scheduled Board meeting. Respondent is required to personally appear  
15 at that Board meeting. Respondent's probationary period will continue until  
16 Respondent's request for termination is received and the Board terminates the  
17 probation.

18           B.     Respondent shall continue to comply with the terms of her PAPA  
19 agreement.

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

1           D.     Respondent shall not serve as a preceptor pharmacist or a pharmacist  
2     in charge.

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

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

10          7.     Respondent shall pay all necessary fees and complete all continuing  
11     education requirements throughout the term of her probation.

12          8.     Throughout the term of Respondent's probation, Respondent shall  
13     personally appear before the Board when requested to do so by the Board or Board staff.

14          9.     Respondent shall furnish the Board with a list of all jurisdictions in which  
15     she maintains or has maintained licensure in the profession of pharmacy along with the  
16     registration numbers of said licenses.

17          10.    Respondent shall obey all federal and state laws and rules governing the  
18     practice of pharmacy.

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

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

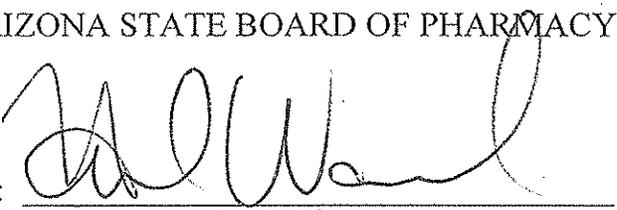
24          13.    If Respondent violates this Order in any way or fails to fulfill the  
25     requirements of this Order, the Board, after giving the Respondent notice and the  
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1 opportunity to be heard, may revoke, suspend or take other disciplinary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

4 DATED this 27 day of September, 2012.

5  
6 (Seal)

ARIZONA STATE BOARD OF PHARMACY

7  
8  
9 By: 

HAL WAND, R.Ph.  
Executive Director

10  
11 ORIGINAL OF THE FORGOING FILED  
12 this 27 day of Sept., 2012, with:

13 Arizona State Board of Pharmacy  
14 1616 W. Adams Street  
15 Phoenix, Arizona 85007

16 EXECUTED COPY OF THE FOREGOING MAILED  
17 BY CERTIFIED MAIL  
18 this 27 day of Sept., 2012, to:

19 Sherri Oxford  
20 6139 W. Alameda Road  
21 Glendale, Arizona 85310  
22 Respondent

23 EXECUTED COPY OF THE FOREGOING MAILED  
24 this 27 day of Sept., 2012, to:

25 Montgomery Lee  
26 Assistant Attorney General  
1275 W. Washington Street, CIV/LES  
Phoenix, Arizona 85007  
Attorney for the Board

2808963