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7 Attorneys for the Arizona State Board of Pharmacy

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

10 In the Matter of

11 **Jacinta Hines,**

12 Holder of License No. 14158  
As a Pharmacist  
13 In the State of Arizona

Board Case No. 14-0004-PHR

**CONSENT AGREEMENT  
FOR PROBATION, 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.*, Jacinta Hines ("Respondent"),  
18 holder of Pharmacist License No. 14158 in the State of Arizona and the Board enter into  
19 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. 4251 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 ...

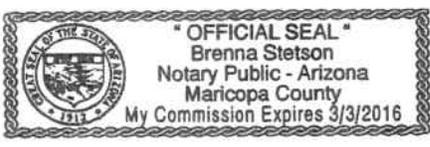
1 ACCEPTED AND AGREED BY RESPONDENT

2 Jacinta Hines  
3  
4 Jacinta Hines

Dated: 12.31.13

5 Subscribed and sworn to before me in the County of maricopa, State of Arizona,  
6 this 31 day of December, 2013, by Jacinta Hines.

7 Brenna Stetson  
8 NOTARY PUBLIC



9 My Commission expires: \_\_\_\_\_

10 **FINDINGS OF FACT**

- 11 1. The Board is the duly constituted authority for licensing and regulating the
- 12 practice of pharmacy in the State of Arizona.
- 13
- 14 2. Respondent is the holder of license number 14158 to practice as a
- 15 pharmacist in the State of Arizona.
- 16
- 17 3. During all relevant times to these findings, Respondent worked as a
- 18 pharmacist at J & J Arrowhead Pharmacy (the "Pharmacy") located at 18700 North 64<sup>th</sup>
- 19 Ave., Glendale, Arizona.
- 20
- 21 4. On or about May 10, 2013 Patient N. H. presented to Respondent a
- 22 prescription for Biest 1.25mg/0.1cc VBC. Respondent had questions regarding the
- 23 prescription but was not able to contact the prescriber. Respondent decided to convert
- 24 the dosing to 1.25 mg/1gm, changed the calculations from 1.25 mg/1 ml to 1.25/1 gm,
- 25 and filled the prescription to 1.25/1 gm without obtaining clarification from the
- 26

1 prescriber. However, Respondent incorrectly labeled the prescription when she failed to  
2 change the label from the original strength of medication per dose of 1.25/0.1 cc to 1.25  
3 gm as dispensed.

4  
5 5. Respondent was the pharmacist on duty at the Pharmacy when the  
6 medication was dispensed and did not recognize the error during counseling or  
7 verification.

### 8 CONCLUSIONS OF LAW

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

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

13 3. The conduct and circumstances described above constitutes unprofessional  
14 conduct pursuant to A.R.S. § 32-1901.01(B) (2) (Violating any federal or state law, rule  
15 or regulation relating to the manufacture or distribution of drugs and devices or the  
16 practice of pharmacy).

17 4. The conduct described above violated Arizona Administrative Code R4-23-  
18 402(A)(10)(c) (In dispensing a prescription medication from a prescription order, a  
19 pharmacist shall check prescription order data entry to ensure that the data input  
20 communicates the prescriber's directions precisely by verifying dose, dosage form,  
21 route of administration, dosing frequency, and quantity).

22 5. The conduct described above violated Arizona Administrative Code R4-23-  
23 402(A) (11) (In dispensing a prescription medication from a prescription order, a  
24 pharmacist shall make a final accuracy check on the completed prescription medication  
25  
26

1 and manually initial the finished label unless the computer system complies with A.A.C.  
2 R4-23-498 (B) (4)).

3 6. The conduct described above violated Arizona Administrative Code R4-23-  
4 402 (A) (5) (A pharmacist shall verify the legality and the pharmaceutical feasibility of  
5 dispensing a drug).

### 6 ORDER

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

9 1. Respondent's Pharmacist License No. 14158 is hereby placed on  
10 **PROBATION** for a period of six months upon the adoption of this Consent Agreement  
11 by the Board.

12 2. Pay a civil penalty of \$1,000.00 within **180 days** of the effective date of  
13 this Order; and

14 3. Successfully complete and provide proof of successful completion to the  
15 Board of eight (8) contact hours (0.8 C.E.U.) of American Council on Pharmaceutical  
16 Education course(s) on the topic of patient safety. The required course(s) must be  
17 completed within **180 days** of the effective date of this Order, must be pre-approved by  
18 Board staff, and shall be in addition to the requirements of A.R.S. § 32-1936 and A.A.C.  
19 R4-23-204.

20 4. Respondent shall pay all costs associated with complying with this Consent  
21 Agreement.

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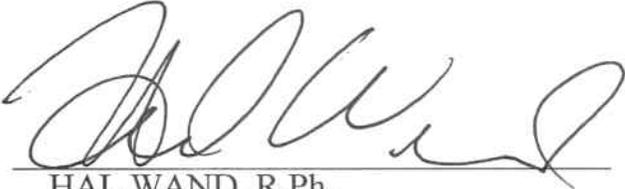
1 Respondent's license. The issue at such a hearing will be limited solely to whether this  
2 Order has been violated.

3 6. If Respondent pays the \$1,000.00 civil penalty in paragraph 2 of this Order  
4 and satisfies the education requirements of paragraph 3 of this Order before the end of the  
5 six month probationary period, she may request in writing that the Board terminate the  
6 **PROBATION.** Respondent's request to terminate probation will be considered at a  
7 regularly scheduled Board meeting. Respondent is required to personally appear at that  
8 Board meeting.

9  
10 DATED this 10 day of January, 2013.  
11 14

12 ARIZONA STATE BOARD OF PHARMACY

13 (Seal)

14  
15 By: 

16 HAL WAND, R.Ph.  
17 Executive Director

18 ORIGINAL OF THE FORGOING FILED  
19 this 10 day of January, 2013, with:  
20 14

21 Arizona State Board of Pharmacy  
22 1616 W. Adams Street  
23 Phoenix, Arizona 85007

24 COPY OF THE FOREGOING MAILED  
25 BY CERTIFIED MAIL

26 this 10 day of January, 2013, to:  
14

Jacinta Hines  
1616 E. Tierra Buena Lane  
Phoenix, Arizona 85022  
Respondent

1 COPY OF THE FOREGOING MAILED  
2 this 10 day of January, 2013, to:  
3

4 Montgomery Lee  
5 Assistant Attorney General  
6 1275 W. Washington Street, CIV/LES  
7 Phoenix, Arizona 85007  
8 Attorney for the Board

*TML*

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