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03-0001-PHR

BEFORE THE ARIZONA STATE BOARD OF PHARMACY

In the Matter of:

SUSAN ARRIOLA)
Pharmacist License)
Number 10295)
_____)

**CONSENT AGREEMENT AND ORDER
FOR REVOCATION
03-0001-PHR**

DIRECTED TO: SUSAN ARRIOLA
1790 N. Iron Springs Road
Prescott, AZ 86305

RECITALS

In the interest of a prompt and judicious settlement of this case, consistent with the public interest, statutory requirements and the responsibilities of the Arizona State Board of Pharmacy ("Board") and pursuant to A.R.S. §§ 32-1901 *et seq* and 41-1092.07(F)(5), SUSAN ARRIOLA ("Respondent"), holder of pharmacist license number 10295 to practice pharmacy in the State of Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order ("CONSENT AGREEMENT") as a final disposition of this matter.

1. Respondent has read and understands this CONSENT AGREEMENT and has had the opportunity to discuss this CONSENT AGREEMENT with an attorney, or has waived the opportunity to discuss this CONSENT AGREEMENT with an attorney.

2. Respondent understands that she has a right to a public administrative hearing concerning each and every allegation set forth in the above-captioned matter, at which hearing she could present evidence and cross-examine witnesses. By entering into this CONSENT AGREEMENT, Respondent freely and voluntarily relinquishes all right to such an administrative hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial action, concerning the matters set forth herein. Respondent affirmatively agrees that this CONSENT AGREEMENT shall be irrevocable.

3. Respondent understands that this CONSENT AGREEMENT or any part of the agreement may

1 be considered in any future disciplinary action against her.

2 4. Respondent understands that this CONSENT AGREEMENT does not constitute a dismissal
3 or resolution of any other matters currently pending before the Board, if any, and does not constitute any
4 waiver, express or implied, of the Board statutory authority or jurisdiction regarding any other pending
5 or future investigation, action or proceeding. Respondent also understands that acceptance of this
6 CONSENT AGREEMENT does not preclude any other agency, subdivision, or officer of this State from
7 instituting other civil or criminal proceedings with respect to the conduct that is the subject of this
8 CONSENT AGREEMENT.

9 5. Respondent acknowledges and agrees that upon signing this CONSENT AGREEMENT and
10 returning this document to the Board's Executive Director, Respondent may not revoke her acceptance
11 of the CONSENT AGREEMENT or make any modifications to the document regardless of whether the
12 CONSENT AGREEMENT has been signed by the Executive Director. Any modification to this original
13 document is ineffective and void unless mutually agreed by the parties in writing.

14 6. Respondent understands that the foregoing CONSENT AGREEMENT shall not become
15 effective unless and until adopted by the Board and signed by its Executive Director.

16 7. Respondent understands and agrees that if the Board does not adopt this CONSENT
17 AGREEMENT, she will not assert as a defense that the Board's consideration of this CONSENT
18 AGREEMENT constitutes bias, prejudice, prejudgement or other similar defense.

19 8. Respondent understands that this CONSENT AGREEMENT is a public record that may be
20 publicly disseminated as a formal action of the Board and may be reported as required by law to the Health
21 Care Integrity and Protection Data Bank.

22 9. Respondent understands that if she violates this Order in any way or fails to fulfill the
23 requirements of this Order, the Board, after giving her notice and the opportunity to be heard, may revoke,
24 suspend or take other disciplinary action against her. The sole issue at such hearing shall be whether or
25 not she violated this Order.

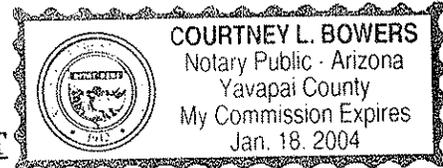
26 . . .

1 **REVIEWED AND ACCEPTED BY:**

2
3 *Susan Arriola*
4 **SUSAN ARRIOLA**

2/10/07
5 **DATE**

6 *Courtney L. Bowers*
7 **Notary Public**



13 **FINDINGS OF FACT**

14 By stipulation of the parties, this CONSENT AGREEMENT is entered into for final disposition
15 of the matters described herein. Respondent acknowledges that sufficient evidence exists for the Board
16 to make the following Findings of Fact:

17 10. On October 29, 2002, Respondent removed one (1) methylphenidate 10 mg. tablet, a Class
18 II Controlled Substance, as defined in A.R.S. § 36-2513 and 21 C.F.R. § 1308.12, at Osco Drug #9343
19 pharmacy, for personal use, without a valid prescription as defined in A.R.S. § 32-1901.66, in violation
20 of A.R.S. § 36-2525(B) and 21 C.F.R. § 1306.11.

21 11. On October 31, 2002, Respondent removed ten (10) Xanax® 0.5 mg tablets, a Class IV
22 Controlled Substance, as defined in A.R.S. § 36-2515 and 21 C.F.R. § 1308.14, at Osco Drug #9343
23 pharmacy, for personal use, without a valid prescription as defined in A.R.S. § 32-1901.66, in violation
24 of A.R.S. § 36-2525(D) and 21 C.F.R. § 1306.21.

25 12. On October 31, 2002, Respondent removed twelve (12) Xanax® 0.25 mg. tablets, a Class IV
26 Controlled Substance, as defined in A.R.S. § 36-2515 and 21 C.F.R. § 1308.14, at Osco Drug #9343
pharmacy, for personal use, without a valid prescription as defined in A.R.S. § 32-1901.66, in violation
of A.R.S. § 36-2525(D) and 21 C.F.R. § 1306.21.

13. On October 31, 2002, Respondent removed fifteen (15) Ambien® 5 mg. tablets, a Class IV
Controlled Substance, as defined in A.R.S. § 36-2515 and 21 C.F.R. § 1308.14, at Osco Drug #9343
pharmacy, for personal use, without a valid prescription as defined in A.R.S. § 32-1901.66, in violation
of A.R.S. § 36-2525(D) and 21 C.F.R. § 1306.21.

1 14. On the 11th day of November, 2002, Respondent voluntarily surrendered her pharmacist license
2 to the Board staff and informed Board staff that she did not want to get it back and that she did not want
3 to ever return to the practice of pharmacy..

4 CONCLUSIONS OF LAW

5 16. The conduct and circumstances described in the factual allegations above constitutes grounds
6 for disciplinary action pursuant to A.R.S. § 32-1927(A)(10) :

7 The licensee is found by the board to be guilty of violating any Arizona or federal law, rule or
8 regulation relating to the manufacture and distribution of drugs, devices or the practice of pharmacy.

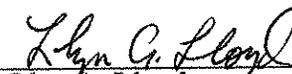
9 ORDER

10 Based on the foregoing Findings of Fact and Conclusions of Law, the Board imposes the following:

11 17. It is ordered that the Respondent's license number 10295 to practice pharmacy in the State
12 of Arizona be REVOKED.

13 DATED and EFFECTIVE this 18th day of ~~February~~ MARCH, 2003

14
15 ARIZONA STATE BOARD OF PHARMACY

16
17 
18 Llyn A. Lloyd
Executive Director

19 ORIGINAL of the foregoing, fully executed,
20 filed this 18th day of March 2003, with:

21 Arizona State Board of Pharmacy
22 4425 W. Olive Avenue, #140
Glendale, AZ 85302

23 Fully Executed Copy of the foregoing sent
24 via Certified US mail this day
of March 2003, to:

25 SUSAN ARRIOLA
26 1790 N. Iron Springs Road
Prescott, AZ 86305
Respondent