

BEFORE THE ARIZONA STATE BOARD OF PHARMACY

Investigation Case Number 04-0027-PHR

In the Matter of:

LISA C. BUENO
Holder of License No. 9676
For the Practice of Pharmacy
In the State of Arizona,

Respondent

**CONSENT AGREEMENT AND ORDER
FOR SUSPENSION AND PROBATION**

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 under A.R.S. §§ 32-1901 *et. seq.* and 41-1092.07(F)(5), LISA C. BUENO ("Respondent"), holder of pharmacist license number 9676 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 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 be considered in any future disciplinary action against her.

4. Respondent understands this Consent Agreement deals with Board Investigation Case No. 04-0027-PHR involving allegations of unprofessional conduct against Respondent. The

1 investigation into these allegations against Respondent shall be concluded upon the Board's
2 adoption of this Consent Agreement.

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

10 6. All admissions made by Respondent in this Consent Agreement are made solely for the final
11 disposition of this matter, and any related administrative proceedings or civil litigation involving
12 the Board and Respondent. There fore, any admissions made by Respondent in this Consent
13 Agreement are not intended for any other use, such as in the context of another regulatory agency's
14 proceedings, or civil or criminal proceedings, whether in the state of Arizona or in any other state or
15 federal court.

16 7. Respondent acknowledges and agrees that upon signing this Consent Agreement and
17 returning this document to the Board's Executive Director, Respondent may not revoke her
18 acceptance of the Consent Agreement or make any modifications to the document regardless of
19 whether the Consent Agreement has been signed by the Executive Director. Any modification to this
20 original document is ineffective and void unless mutually agreed by the parties in writing.

21 8. Respondent understands that the Consent Agreement shall not become effective unless
22 and until adopted by the Board and signed by its Executive Director.

23 9. If a court of competent jurisdiction rules that any part of this Consent Agreement is void
24 or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full
25 force and effect.
26

1 10. Respondent understands and agrees that if the Board does not adopt this Consent
2 Agreement, she will not assert as a defense that the Board's consideration of this Consent
3 Agreement constitutes bias, prejudice, prejudgement or other similar defenses.

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

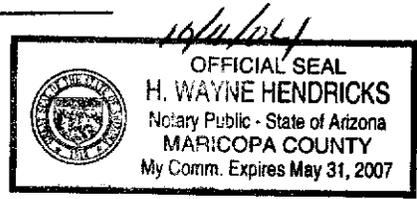
7 12. Respondent understands that any violation of this Consent Agreement constitutes
8 unprofessional conduct under A.R.S. § 32-1927 (A) (17) (the licensee violated a formal order, terms
9 of probation, a consent agreement or a stipulation issued or entered into by the board or its Executive
10 Director pursuant to this chapter) and may result in disciplinary action under A.R.S. § 32-1927.

11 **REVIEWED AND ACCEPTED BY:**

12 
13 Lisa C. Bueno
14 **LISA C. BUENO**

1011104
101
DATE

14 
15 **Notary Public**



16 **FINDINGS OF FACT**

17 By stipulation of the parties, this Consent Agreement is entered into for final disposition of the
18 matters described herein. Respondent admits to the following Findings of Fact:

19 13. The Board is the duly constituted authority for the regulation and control of the practice of
20 pharmacy in the State of Arizona.

21 14. The Board possesses jurisdiction over the subject matter and over Respondent as a
22 licensee of the Board under A.R.S. § 32-1901, *et seq.*

23 15. Respondent is the holder of a license 9676 which permits her to engage in the practice of
24 pharmacy in the State of Arizona.

25 16. On August 26, 2004, the Board received an inquiry from an Arizona licensed physician
26 about Respondent's prescriptions, which caused the Board to open an investigation. (See Exhibit A.)

1 17. From September 8, 2004 to September 16, 2004, a Board Compliance Officer visited nine
2 (9) Arizona physicians to investigate the prescriptions that Respondent obtained from them. The
3 investigation disclosed Respondent allegedly obtained forty-eight (48) prescriptions from the
4 physicians. However, two (2) physicians signed statements that seven (7) of the forty-eight (48)
5 prescriptions were not issued by them to Respondent and therefore were not valid prescriptions. The
6 invalid prescriptions are listed in the following paragraphs and the first six (6) of the prescriptions
7 were not written by physician "1" (See Exhibit B-Physician "1's" signed statement), while the
8 seventh prescription was not written by physician "2" (See Exhibit C-Physician "2's" signed
9 statement.)

10 18. On or about March 13, 2004, Respondent obtained prescription number 1037439-03003
11 from Walgreens pharmacy #3003, located at 6690 W. Union Hills, in Glendale, Arizona without a
12 valid prescription order as defined in A.R.S. § 32-1901(73). Respondent obtained one hundred and
13 twenty (120) tablets of Oxycontin (oxycodone HCl) 20 mg., a Class II Controlled Substance, as
14 defined in A.R.S. § 36-2513, and 21 C.F.R. § 1308.12, without a valid prescription order from a
15 medical practitioner, in violation of A.R.S. § 36-2525 (B) and 21 C.F.R. § 1306.11. Further,
16 oxycodone is a narcotic drug as defined in A.R.S. § 13-3401 (20) & (21) and under A.R.S. § 13-3408
17 (A) (6) it is a Class 3 felony to obtain or procure the administration of a narcotic drug by fraud, deceit,
18 misrepresentation or subterfuge.

19 19. On or about April 4, 2004, Respondent obtained prescription number 1229869-03049
20 from Walgreens pharmacy #3049, located at 4965 W. Bell Road, in Glendale, Arizona, without a valid
21 prescription order as defined in A.R.S. § 32-1901 (73). Respondent obtained thirty (30) tablets of
22 hydromorphone HCl 2 mg., a Class II Controlled Substance, as defined in A.R.S. § 36-2513, and 21
23 C.F.R. § 1308.12, without a valid prescription order from a medical practitioner, in violation of A.R.S.
24 § 36-2525 (B) and 21 C.F.R. § 1306.11. Further, hydromorphone is a narcotic drug as defined in
25 A.R.S. § 13-3401 (20) & (21) and under A.R.S. § 13-3408 (A) (6) it is a Class 3 felony to obtain or
26 procure the administration of a narcotic drug by fraud, deceit, misrepresentation or subterfuge.

1 20. On or about April 4, 2004, Respondent obtained prescription number 1229868-03049 from
2 Walgreens pharmacy #3049, without a valid prescription order as defined in A.R.S. § 32-1901 (73).
3 Respondent obtained sixty (60) tablets of belladonna with phenobarbital, a prescription only drug,
4 without a valid prescription order from a medical practitioner, in violation of A.R.S. § 32-1968.
5 Further, belladonna with phenobarbital is a prescription only drug as defined in A.R.S. § 13-3401 (28)
6 and under A.R.S. § 13-3406 (A) (6) it is a Class 1 misdemeanor to obtain or procure the
7 administration of a prescription only drug by fraud, deceit, misrepresentation or subterfuge

8 21. On or about April 4, 2004, Respondent obtained prescription number 1229867-03049 from
9 Walgreens pharmacy #3049, without a valid prescription order as defined in A.R.S. § 32-1901 (73).
10 Respondent obtained sixty (60) tablets of diazepam 2 mg., a Class IV Controlled Substance, as
11 defined in A.R.S. § 36-2515, and 21 C.F.R. §1308.14, without a valid prescription order from a
12 medical practitioner, in violation of A.R.S. § 36-2525 (D) and 21 C.F.R. § 1306.21. Further, diazepam
13 is a dangerous drug as defined in A.R.S. § 13-3401 (6)(c) and under A.R.S. § 13-3407 (A) (6) it is a
14 Class 3 felony to obtain or procure the administration of a dangerous drug by fraud, deceit,
15 misrepresentation or subterfuge.

16 22. On or about June 24, 2004, Respondent obtained prescription number 1254091-03049 from
17 Walgreens pharmacy #3049, without a valid prescription order as defined in A.R.S. § 32-1901 (73).
18 Respondent obtained one hundred and eighty (180) tablets of Oxycontin (oxycodone HCl) 20 mg., a
19 Class II Controlled Substance, as defined in A.R.S. § 36-2513, and 21 C.F.R. § 1308.12, without a
20 valid prescription order from a medical practitioner, in violation of A.R.S. § 36-2525 (B) and 21
21 C.F.R. § 1306.11. Further, oxycodone is a narcotic drug as defined in A.R.S. § 13-3401 (20) & (21)
22 and under A.R.S. § 13-3408 (A) (6) it is a Class 3 felony to obtain or procure the administration of a
23 narcotic drug by fraud, deceit, misrepresentation or subterfuge.

24 23. On or about August 23, 2004, Respondent obtained prescription number 2508690 from
25 CIGNA pharmacy #61, located at 5891 W. Eugie, in Glendale, Arizona without a valid prescription
26 order as defined in A.R.S. § 32-1901(73). Respondent obtained ninety (90) tablets of Oxycontin

1 (oxycodone HCl) 40 mg., a Class II Controlled Substance, as defined in A.R.S. § 36-2513, and 21
2 C.F.R. § 1308.12, without a valid prescription order from a medical practitioner, in violation of
3 A.R.S. § 36-2525 (B) and 21 C.F.R. § 1306.11. Further, oxycodone is a narcotic drug as defined in
4 A.R.S. § 13-3401 (20) & (21) and under A.R.S. § 13-3408 (A) (6) it is a Class 3 felony to obtain or
5 procure the administration of a narcotic drug by fraud, deceit, misrepresentation or subterfuge.

6 24. On or about August 7, 2004, Respondent obtained prescription number 1266926-03049
7 from Walgreens pharmacy #3049, without a valid prescription order as defined in A.R.S. § 32-1901
8 (73). Respondent obtained one hundred and twenty (120) tablets of Oxycontin (oxycodone HCl) 20
9 mg., a Class II Controlled Substance, as defined in A.R.S. § 36-2513, and 21 C.F.R. § 1308.12,
10 without a valid prescription order from a medical practitioner, in violation of A.R.S. § 36-2525 (B)
11 and 21 C.F.R. § 1306.11. Further, oxycodone is a narcotic drug as defined in A.R.S. § 13-3401 (20) &
12 (21) and under A.R.S. § 13-3408 (A) (6) it is a Class 3 felony to obtain or procure the administration
13 of a narcotic drug by fraud, deceit, misrepresentation or subterfuge.

14 CONCLUSIONS OF LAW

15
16 25. The Board is the duly constituted authority for the regulation and control of the practice of
17 pharmacy in the state of Arizona, under A.R.S. § 32-1901, *et seq.*

18 26. The conduct and circumstances described in the above Findings of Fact constitute
19 grounds for disciplinary action under A.R.S. § 32-1927 (A)(10) and A.R.S. § 32-1927 (B)(2) to wit:

20 **A.R.S. § 32-1927(A)** The license of any pharmacist, pharmacy intern or graduate intern may
21 be revoked or suspended or a pharmacist or intern may be placed on probation by the board if:

22 **(10)** The licensee is found by the board to be guilty of violating any Arizona or federal
23 law, rule, or regulation relating to the manufacture and distribution of drugs, devices, or the
24 practice of pharmacy.

25 **(16)** The licensee violated or attempted to violate, directly or indirectly, or assisted in or
26 abetted the violation of or conspired to violate this chapter.

1 **A.R.S. § 32-1927 (B)** The license of any pharmacist or pharmacy intern may be revoked
2 or suspended or the pharmacist or pharmacy intern may be placed on probation or censured
3 and a civil penalty of not more than one thousand dollars [(\$1000.00)] for each offense may
4 be imposed by the board if the licensee:

5
6 **(2)** Is found by the board, or is convicted in a federal or state court, of having
7 violated federal or state laws or administrative rules pertaining to marijuana, prescription-
8 only drugs, narcotics, dangerous drugs or controlled substances.

9 **ORDER**

10 Based upon the above Findings of Fact and Conclusions of Law and under the authority
11 granted to the Board under A.R.S. §§ 32-1928, 41-1092.07 (F)(5), and A.A.C. R4-23-122(G).

12 **IT IS HEREBY ORDERED** that:

13 27. As of this Consent Agreement's effective date, Pharmacist License No.9676, which was
14 issued to Respondent for the practice of pharmacy in the State of Arizona, is hereby placed on
15 **SUSPENSION**, at a minimum for six (6) months, but not more than one (1) year.

16 28. On or after May 17, 2005, Respondent may appear at a regularly scheduled Board meeting
17 and request that the **SUSPENSION** be terminated and a **PROBATION** be imposed for a period of
18 five (5) years from the date of adoption of this Consent Agreement by the Board. The **SUSPENSION**
19 and **PROBATION** are subject to the following conditions:

20 29. Respondent shall have initiated a five (5) year contract with the Pharmacists Assisting
21 Pharmacists (PAPA) and shall abide by every requirement of that contract.

22 30. Respondent shall pay all fees and complete all Continuing Education requirements
23 throughout the term of his probation to maintain Pharmacist License Number 9676.

24 31. Respondent shall not serve as a preceptor pharmacist or pharmacist-in-charge throughout
25 the term of her suspension and probation.

26 32. Respondent shall obey all federal and state laws and rules governing the practice of
pharmacy.

33. Respondent shall furnish the Board with a list of all jurisdictions in which she maintains or
has maintained licensure in the profession of pharmacy along with the registration number of said

1 licenses.

2 34. Respondent is required to advise the Board immediately of any change in pharmacy
3 employment status throughout the term of her probation.

4 35. Respondent is required to furnish all pharmacy employers with a copy of this Board Order
5 throughout the term of her probation.

6 36. Respondent shall perform four hundred (400) hours of community service approved by the
7 Board before the term of probation is completed.

8 37. Respondent shall submit to a minimum of two (2) monthly random biological fluid
9 screenings for the presence of drugs or alcohol in her body as determined by PAPA during the
10 probation. Nevertheless, upon Respondent's acceptance of employment as a pharmacist, she shall
11 submit to a minimum of four (4) monthly random biological fluid screenings for the presence of
12 drugs or alcohol in her body for the remainder of the term of probation.

13 38. If Respondent violates this Order in any way or fails to fulfill the requirements of this
14 Order, the Board, after giving the Respondent notice and the opportunity to be heard, may revoke,
15 suspend or take other disciplinary actions against the Respondent. The issue of such hearing will be
16 limited solely to whether this Order has been violated.

17 39. Respondent shall appear before the Board at a regularly scheduled Board meeting on or
18 after November 17, 2010 to request that the probation imposed by this Order be terminated.
19 Respondent's failure to petition the Board to terminate the probation shall extend the probation
20 period.

21
22 **DATED and EFFECTIVE this 18th day of November, 2004**

23 **ARIZONA STATE BOARD OF PHARMACY**

24 

25 Hal Wand, RPh
26 Executive Director
Arizona State Board of Pharmacy

1 ORIGINAL of the foregoing, fully executed,
2 filed this 18th day of November, 2004, with:

3 Arizona State Board of Pharmacy
4 4425 W. Olive Avenue, #140
5 Glendale, Arizona 85302

6 Fully Executed Copy of the foregoing sent
7 via Certified US mail this 19th day of
8 November, 2004 to:

9 LISA C. BUENO
10 7216 W. Blackhawk Drive
11 Glendale, AZ 85308

12 Copy or the foregoing mailed
13 this 19th day of November, 2004 to:

14 Roberto Pulver
15 Assistant Attorney General
16 1275 W. Washington, CIV/LES
17 Phoenix, Arizona 85007
18 Attorney for the State

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) *Lisa C. Bueno* B. Date of Delivery *11/22/04*

C. Signature *Lisa C. Bueno* Agent Addressee

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes No

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
Lisa C Bueno
7216 W Blackhawk Drive
Glendale AZ 85308

2. Article Number (Copy from service label)
7000 1670 0006 4393 0275

102595-00-M-0952
Domestic Return Receipt
PS Form 3811, July 1999

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
Lisa C. Bueno
7216 W Blackhawk Drive
Glendale AZ 85308

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) *Lisa Bueno* B. Date of Delivery *10/9/04*

C. Signature *Lisa C. Bueno* Agent Addressee

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes No

2. Article Number (Copy from service label)
7000 1670 0006 4396 3723

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

