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2 (Firm State Bar No. 14000)

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Attorneys for the Arizona State Board of Pharmacy

7 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

8
9 In the Matter of
10 **BERNADETTE SERNA**
11 Holder of License No. 9676
As a Pharmacy Technician Trainee
12 In the State of Arizona

Board Case No. 07-0003-PHR

**CONSENT AGREEMENT AND
ORDER FOR VOLUNTARY
SURRENDER OF LICENSE**

13
14 **RECITALS**

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") and under A.R.S. §§ 32 1901, *et. seq.* and 41 1092.07(F)(5),
18 Bernadette Serna ("Respondent"), holder of Pharmacist Technician Trainee License
19 Number 9676 in the State of Arizona, and the Board enter into the following Recitals,
20 Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as a final
21 disposition of this matter.

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 the above-captioned matter, at which hearing he could present
3 evidence and cross examine witnesses. By entering into this Consent Agreement,
4 Respondent knowingly and voluntarily relinquishes all right to such an administrative
5 hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or
6 any other administrative 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 Case
12 No. 3181 involving allegations of unprofessional conduct against Respondent. The
13 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. All admissions made by the Respondent in this Consent Agreement are
24 made solely for the final disposition of this matter, and any related administrative pro-
25 ceedings or civil litigation involving the Board and Respondent. Therefore, any admis-
26

1 sions made by Respondent in this Consent Agreement are not intended for any other use,
2 such as in the context of another regulatory agency's proceedings, or civil or criminal
3 proceedings, whether in the State of Arizona or in any other state or federal court.

4 9. Respondent acknowledges and agrees that, upon signing this Consent
5 Agreement and returning this document to the Board's Executive Director, she may not
6 revoke his acceptance of the Consent Agreement or make any modifications to the
7 document regardless of whether the Consent Agreement has been signed by the Execu-
8 tive Director. Any modification to this original document is ineffective and void unless
9 mutually agreed by the parties in writing.

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

12 11. 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.

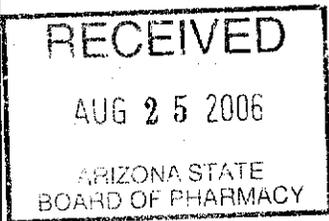
15 12. Respondent understands and agrees that if the Board does not adopt this
16 Consent Agreement, she will not assert as a defense that the Board's consideration of this
17 Consent Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

18 13. Respondent understands that this Consent Agreement is a public record that
19 may be publicly disseminated as a formal action of the Board and may be reported as
20 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
21 Protection Data Bank.

22 14. Respondent understands that any violation of this Consent Agreement
23 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
24 1901.01(B)(20), -1927(A)(1).

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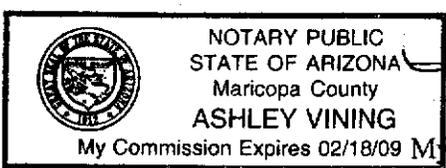
15. Respondent understands and agrees that she shall not reapply for a license before two (2) years after the effective date of this Order.

ACCEPTED AND AGREED BY RESPONDENT

Bernadette Serna
Bernadette Serna

Dated: 8-24-06

Subscribed and sworn to before me in the County of Maricopa, State of Arizona this 24 day of August, 2006, by Bernadette Serna.



Ashley Vining
NOTARY PUBLIC
Commission expires: 02/18/09

FINDINGS OF FACT

1. During all times relevant to this Complaint, Respondent was employed as a Pharmacy Technician Trainee at Fry's Pharmacy #129 ("Pharmacy") in Phoenix, Arizona.
2. On or about June 20, 2006, Respondent had a prescription filled for Oxycontin 20 mg at the Pharmacy.
3. Respondent took the hard copy from the pharmacy file, removed the sticker which indicated that the medication had been dispensed, and tried to have the prescription filled at another pharmacy within the chain on June 29, 2006.
4. On or about June 29, 2006, a call was placed to the prescribing physician's office by the lead technician at the Pharmacy. Per the nurse at the physician's office, only one copy of the Oxycontin prescription was provided to Respondent on May 31, 2006.

1 DATED this th 26 day of September, 2006.

3 ARIZONA STATE BOARD OF PHARMACY

4 (Seal)

5 By: 
6 HAL WAND, R.Ph.
7 Executive Director

8 ORIGINAL OF THE FORGOING FILED
9 this 26 day of September 2006, with:

10 Arizona State Board of Pharmacy
11 4425 W. Olive Avenue, Suite 140
12 Glendale, Arizona 85302

13 EXECUTED COPY OF THE FOREGOING MAILED
14 BY CERTIFIED MAIL
15 this 26 day of September, 2006, to:

16 Bernadette Serna
17 1546 E. Winston Drive
18 Phoenix, Arizona 85042

19 EXECUTED COPY OF THE FOREGOING MAILED
20 this 26 day of September 2006, to:

21 Dawn Walton Lee
22 Assistant Attorney General
23 1275 W. Washington Street, CIV/LES
24 Phoenix, Arizona 85007

25 

26 #478836

597E 0909 2000 029T 5002

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 City, State, ZIP+4

PS Form 3800, June 2002 See Reverse for Instructions

Bernadette Serna
07-03 PHR
Consent 08-14-2006

7005 1820 0000 7585 8565

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 Street, Apt. No., or PO Box No.
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PS Form 3800, June 2002 See Reverse for Instructions

Bernadette Serna
07-03-06

2. Article Number
 (Transfer from service label)
 PS Form 3811, February 2004

7005.1820.0002.8080.3169
 Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bernadette Serna
1546 E. WINSTON DR.
PHOENIX AZ 85042

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent

B. Received by (Printed Name) Addressed

C. Date of Delivery

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

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

4. Restricted Delivery? (Extra Fee) Yes

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Bernadette Serna Addressed

B. Received by (Printed Name) Date of Delivery
 Bernadette Serna *07-03-06*

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

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

4. Restricted Delivery? (Extra Fee) Yes

SENDER: COMPLETE THIS SECTION

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PHOENIX AZ 85042

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 (Transfer from service label)
 PS Form 3811, February 2004

102595-02-M-1540

Arizona State Board of Pharmacy

This is to certify that

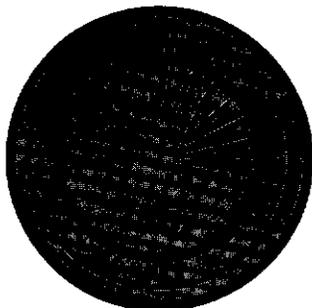
Bernadette Peaches Serna

was on the date of this certificate duly licensed as a

PHARMACY TECHNICIAN TRAINEE

This certificate has been granted in accordance with the provisions of the pharmacy laws of the State of Arizona, Chapter 18, Article 32, Section 1923.01.

In Witness Whereof are hereunto affixed the seal and the signatures of the President and Executive Director of the Arizona State Board of Pharmacy.



Done this 6th day of February 2006

Number 9676

A handwritten signature in cursive script, appearing to read "Charles A. ...".

PRESIDENT

A handwritten signature in cursive script, appearing to read "Hal Wance".

EXECUTIVE DIRECTOR

This certificate must be posted in place of business where technician is employed.

THIS RECEIPT MUST BE DISPLAYED IN A PLACE THAT CAN BE EASILY SEEN BY THE PUBLIC.



ARIZONA STATE BOARD OF PHARMACY
4425 W. Olive Ave., Suite 100
Glendale, AZ 85302-3844
673-463-1111
FAX: 623-904-1567

Nº 16340

PHARMACY TECHNICIAN TRAINEE

LICENSE NO.
9676

EXPIRES
1/31/2008

Receipt date: 2/6/2006
Receipt No. 24536
Receipt Amount: \$25.00

Issued to: Bernadette Peaches Serna
1546 E. Winston Drive
Phoenix, Arizona 85042

The holder of the license/permit number printed above is authorized to conduct business according to the classification specified, pursuant to A.R.S. 32-1908(A).

Hal Wainwright
Executive Director