

1 TERRY GODDARD
Attorney General
2 (Firm State Bar No. 14000)

3 DAWN WALTON LEE
Assistant Attorney General
4 State Bar No. 016072
1275 W. Washington, CIV/LES
5 Phoenix, Arizona 85007-2997
Tel: (602) 542-7027
6 Fax: (602) 364-3202
Attorneys for the Arizona State Board of Pharmacy

7

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

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In the Matter of

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GUADALUPE JAIME ROCHA

Board Case No. 07-0004-PHR

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Holder of License No. 8653
12 as a Technician Trainee
In the State of Arizona

**CONSENT AGREEMENT
FOR VOLUNTARY SURRENDER**

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RECITALS

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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), Guadalupe Rocha ("Respondent"), holder of Pharmacist Technician License Number 8653 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.

1 2. Respondent understands that she has a right to a public administrative
2 hearing concerning the above-captioned matter, at which hearing she 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. 3182 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-
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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 her 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.

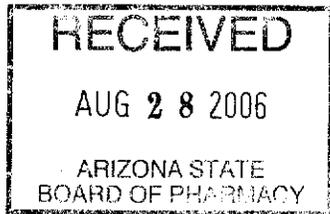
10 10. Respondent understands that the Consent Agreement shall not become
11 effective unless and until adopted by the Board and signed by its Executive Director.

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).



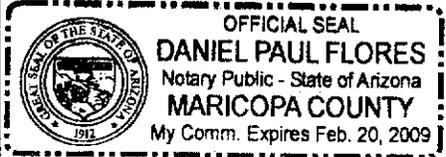
1 15. Respondent understands and agrees that she shall not reapply for a license before
2 two (2) years after the effective date of this Order.

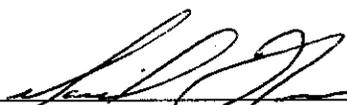
3 ACCEPTED AND AGREED BY RESPONDENT

4 
5 _____
6 Guadalupe Rocha

Dated: 8-25-06

6 Subscribed and sworn to before me in the County of Maricopa, State of AZ
7 this 25 day of Aug, 2006, by Guadalupe Rocha.




NOTARY PUBLIC

My Commission expires: 02-20-09

FINDINGS OF FACT

- 13 1. The Arizona State Board of Pharmacy ("Board") is the duly constituted
14 authority for licensing and regulating the practice of pharmacy in the State of Arizona.
- 15 2. Guadalupe Rocha ("Respondent") is the holder of license number 8653 to
16 practice as a pharmacy technician in the State of Arizona.
- 17 3. During all times relevant to these Findings, Respondent was employed as a
18 pharmacy technician at Express Scripts, Inc. ("Pharmacy") in Tempe, Arizona.
- 19 4. Pharmacy performs random drug screens on its employees each month. On
20 or about May 8, 2006, a random drug test was performed on Respondent. The results of
21 the drug test were positive for marijuana.
- 22 5. Respondent's employment with Pharmacy was terminated on May 8, 2006
23 for violating the company's drug testing policy.
- 24 6. Pharmacy reported the incident to the Board on June 8, 2006.

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DATED this th 26 day of September, 2006.

ARIZONA STATE BOARD OF PHARMACY

(Seal)

By: 
HAL WAND, R.Ph.
Executive Director

ORIGINAL OF THE FOREGOING FILED

this 26 day of September, 2006, with:

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

EXECUTED COPY OF THE FOREGOING MAILED
BY CERTIFIED MAIL

this 26 day of September, 2006, to:

Guadalupe Jaime Rocha
1204 W. 5th Street
Tempe, Arizona 85282

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

Dawn Walton Lee
Assistant Attorney General
1275 W. Washington Street, CIV/LES
Phoenix, Arizona 85007
Attorneys for the State of Arizona


478992

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City, State, ZIP+4

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A. Signature Agent Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from that on the reverse? 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

1. Article Addressed to:
 Guadalupe Rocha
 1204 W. 5th St.
 Tempe AZ 85282

2. Article Number (Transfer from service label) 7005 1820 0000 7585 8817

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from that on the reverse? 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

1. Article Addressed to:
 GUADALUPE J. ROCHA
 1204 WEST 5TH ST.
 TEMPE AZ 85282

2. Article Number (Transfer from service label) 7005-1820-0002-80803152

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540