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7 Attorneys for the Arizona State Board of Pharmacy

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

9
10 In the Matter of

11 **DIONE VALAZQUEZ**

12 Holder of License No. 8567
As a Pharmacy Technician
13 In the State of Arizona

Board Case No. 07- 0051-PHR

**CONSENT AGREEMENT
FOR REINSTATEMENT &
PROBATION**

14
15 **RECITALS**

16 In the interest of a prompt and judicious settlement of this case, consistent with the
17 public interest, statutory requirements and the responsibilities of the Arizona State Board
18 of Pharmacy ("Board") and under A.R.S. §§ 32-1901, *et. seq.* and 41-1092.07(F)(5),
19 Dione Valazquez ("Respondent"), holder of Pharmacist Technician License Number
20 8567 in the State of Arizona, and the Board enter into the following Recitals, Findings of
21 Fact, Conclusions of Law and Order ("Consent Agreement") as a final disposition of this
22 matter.

23 1. Respondent has read and understands this Consent Agreement and has had
24 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
25 opportunity to discuss this Consent Agreement with an attorney.
26

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 Respondent's
12 request for reinstatement from the revocation of her Pharmacist Technician License from
13 Board Case No. 06-0029-PHR involving allegations of unprofessional conduct against
14 Respondent.

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 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).

25

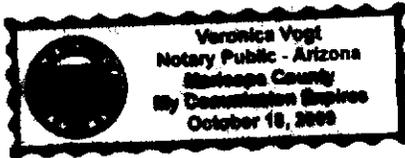
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1 ACCEPTED AND AGREED BY RESPONDENT

2 
3 Dione Valazquez

Dated: 4-7-07

4 Subscribed and sworn to before me in the County of Maricopa, State of Arizona, this 7th day of
5 April, 2007, by Dione Valazquez.



6 
7 NOTARY PUBLIC

8 My Commission expires: October 18, 2009

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10 **FINDINGS OF FACT**

- 11 1. The Arizona State Board of Pharmacy ("Board") is the duly constituted
12 authority for licensing and regulating the practice of pharmacy in the State of Arizona.
- 13 2. Dione Valazquez ("Respondent") was, at one time, the holder of license
14 number 8567 to practice as a pharmacy technician in the State of Arizona.
- 15 3. On or about August 2, 2006, following Respondent's termination of
16 employment with Express Scripts, Inc. for a positive random drug test for marijuana,
17 Respondent entered into a Consent Agreement for Revocation with the Board.
- 18 4. On or about February 20, 2007, six months after the revocation of her
19 license, Respondent submitted a request for reinstatement to the Board. In her request,
20 Respondent described what she has been doing since she tested positive for marijuana in
21 March 2006.
- 22 5. Given the short period between the revocation of Respondent's license and
23 her request for reinstatement, in order to ensure the public health, safety and welfare, the
24 Board finds that reinstatement of Respondent license would only be appropriate if
25 Respondent was subject to monitoring during a period of probation.

1 CONCLUSIONS OF LAW

2 1. The Board possesses jurisdiction over the subject matter and over Respond-
3 ent pursuant to A.R.S. § 32-1901 *et seq.*

4 2. The Board may discipline a pharmacy technician who has engaged in
5 unprofessional conduct. A.R.S. § 32-1927.01(A)(1).

6 3. A person licensed pursuant to this chapter who has a license revoked or
7 suspended shall not obtain a license as a pharmacy technician or work as a pharmacy
8 technician or pharmacy technician trainee without the approval of the Board or its
9 designee. A.R.S. § 32-1901.01(T).

10 4. A licensee who is impaired by alcohol or drug abuse may enter into a
11 stipulation order with the Board, or the licensee may be placed on probation or be subject
12 to other action as provided by law. A.R.S. § 32-1932.01(D).

13 ORDER

14 Based upon the above Findings of Fact and Conclusions of Law, including the fact
15 and under the authority granted to the Board by A.R.S. §§ 32-1928, 41-1092.07(F)(5),
16 and A.A.C. R4-23-122 (c),

17 IT IS HEREBY ORDERED THAT License No. 8567, which was issued to Dione
18 Valazquez to practice as a Pharmacy Technician in the State of Arizona, is hereby
19 REINSTATED subject to the following terms and conditions:

20 1. Respondent's license shall be placed on **PROBATION** for a period of one
21 (1) year.

22 2. Respondent shall advise the Board immediately of any change in
23 employment status throughout the term of her probation.

24 3. Within ten days of the effective date of this order, and within ten days of
25 the start of any new employment during the term of her probation, Respondent shall
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1 furnish all pharmacy or pharmacy related employers with a copy of this Board Order, and
2 shall require each employer to verify to the Board in writing that they have received a
3 copy of the Order.

4 4. Within ten days of the effective date of this order, Respondent shall furnish
5 the Board with a list of all jurisdictions in which she maintains or has maintained
6 licensure as a pharmacy technician with the registration numbers of said licenses.

7 5. Respondent shall obey all federal and state laws, including all statutes and
8 rules governing the practice as a pharmacy technician.

9 6. When requested by the Board, Respondent shall appear in person before the
10 board to respond to questions or concerns regarding her compliance with this Order.

11 7. If Respondent violates this Order in any way or fails to fulfill or timely
12 complete any of the requirements of this Order, the Board, after giving the Respondent
13 notice and the opportunity to be heard, shall revoke Respondent's license. The issue at
14 such a hearing will be limited solely to whether this Order has been violated.

15 8. Respondent shall appear before the Board at a regularly scheduled Board
16 meeting one year after the effective date of this Order to request that the probation
17 imposed by this order be terminated. Respondent's failure to petition the Board to
18 terminate the probation shall extend the probation period.

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DATED this 10 day of May, 2007.

ARIZONA STATE BOARD OF PHARMACY

(Seal)

By: Hal Wand
HAL WAND, R.Ph.
Executive Director

RECEIVED

APR 10 2007

ARIZONA STATE
BOARD OF PHARMACY

1 ORIGINAL OF THE FORGOING FILED
this 10 day of May, 2007, with:

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

5 EXECUTED COPY OF THE FOREGOING MAILED
BY CERTIFIED MAIL

6 this 10 day of May, 2007, to:

7 Dione Valazquez
3636 E. Inverness Ave, #1002
8 Mesa, Arizona 85206
9 Respondent

7006 2760 0000 7560 5027

10 EXECUTED COPY OF THE FOREGOING MAILED
this 10 day of May, 2007, to:

11 Seth T. Hargraves
Assistant Attorney General
12 1275 W. Washington Street, CIV/LES
Phoenix, Arizona 85007
13 Attorneys for the State of Arizona

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