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BEFORE THE ARIZONA STATE BOARD OF PHARMACY

In the Matter of **CATHERINE TORDA,** Holder of License No. 0002 As a Pharmacy Technician In the State of Arizona	Board Case No. 07- 0059-PHR **CONSENT AGREEMENT FOR REVOCATION**

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), Catherine Torda ("Respondent"), holder of Pharmacy Technician License Number 2 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 knowingly 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.

3. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

4. Respondent understands that this Consent Agreement or any part of the agreement may be considered in any future disciplinary action by the Board against her.

5. Respondent understands this Consent Agreement deals with Board Complaint No. 3386 involving allegations of unprofessional conduct against Respondent. The investigation into these allegations against Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

6. Respondent understands that this Consent Agreement does not constitute a dismissal or resolution of any other matters currently pending before the Board, if any, and does not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any other pending or future investigation, action or proceeding.

7. Respondent also understands that acceptance of this Consent Agreement does not preclude any other agency, subdivision, or officer of this State from instituting any other civil or criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.

8. All admissions made by the Respondent in this Consent Agreement are made solely for the final disposition of this matter, and any related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, any

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

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

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

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

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

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

14. Respondent understands that any violation of this Consent Agreement constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-1901.01(C)(16), -1927.01(A)(1).

ACCEPTED AND AGREED BY RESPONDENT

Catherine P. Torda
Catherine Torda

Dated: Aug. 17, 2007

Subscribed and sworn to before me in the County of Maricopa State of Arizona, this 17 day of August, 2007, by Catherine Torda.

Tiffany Poetsch
NOTARY PUBLIC

My Commission expires: Jan. 09, 2011

FINDINGS OF FACT

1. The Arizona State Board of Pharmacy ("Board") is the duly constituted authority for licensing and regulating the practice of pharmacy in the State of Arizona.

2. Catherine Torda ("Respondent") holds Arizona Pharmacy Technician License Number 2.

3. On or about May 10, 2007, Respondent entered into a Consent Agreement for Stayed Revocation – Probation in Board Case Number 07-0043-PHR (the "0043 Consent Agreement").

4. Respondent has failed to comply with the terms of the 0043 Consent Agreement.

5. Respondent's failure to comply with the terms of the 0043 Consent Agreement includes her failure to enroll in and attend 90 Alcoholics Anonymous/Narcotics Anonymous meetings in 90 days. *See* 0043 Consent Agreement at 7, ¶4.

6. Respondent's failure to comply with the terms of the 0043 Consent Agreement also includes her failure enroll in and participate in a 12-panel screen random urinalysis testing schedule, wherein Respondent was tested at least two times per month. *See* 0043 Consent Agreement at 7, ¶5.

7. The 0043 Consent Agreement provided that, if Respondent violated the 0043 Consent Agreement in any way or failed to fulfill or timely complete any of the requirements of the 0043 Consent Agreement, the Board, after giving the Respondent notice and the opportunity to be heard, would revoke Respondent's license. *See* 0043 Consent Agreement at 8, ¶14.

CONCLUSIONS OF LAW

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

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

3. The conduct and circumstances described above constitutes unprofessional conduct pursuant to A.R.S. § 32-1901.01(C)(16) ("Violating a formal order, terms of probation, a consent agreement or a stipulation issued or entered into by the board or its executive director.").

ORDER

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

IT IS HEREBY ORDERED THAT License Number 2, which was issued to Catherine Torda to practice as a Pharmacy Technician in the State of Arizona, is hereby REVOKED. Respondent shall immediately return her Pharmacy Technician License to the Board.

DATED this 17 day of Sept., 2007.

ARIZONA STATE BOARD OF PHARMACY

(Seal)

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

ORIGINAL OF THE FORGOING FILED
this 17 day of Sept., 2007, with:

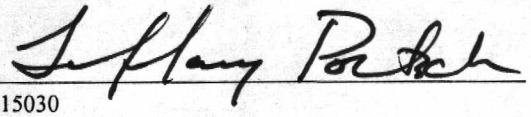
Arizona State Board of Pharmacy
4425 W. Olive Avenue, Suite 140
Glendale, Arizona 85302

EXECUTED COPY OF THE FOREGOING MAILED
BY CERTIFIED MAIL
this 17 day of Sept., 2007, to:

Catherine Torda
6029 W. Mescal
Glendale, AZ 85353
Respondent

EXECUTED COPY OF THE FOREGOING MAILED
this 17 day of Sept., 2007, to:

Elizabeth A. Campbell
Assistant Attorney General
1275 W. Washington Street, CIV/LES
Phoenix, Arizona 85007
Attorneys for the State of Arizona



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