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

9 In the Matter of

10 **DESTINY ROBINSON**

11 Holder of License No. T007103
12 As a Pharmacy Technician
13 In the State of Arizona

Board Case No. 09-0041-PHR

**COMPLAINT AND NOTICE OF
HEARING**

14 **I. NOTICE OF PUBLIC HEARING.**

15 YOU ARE HEREBY NOTIFIED, the Arizona State Board of Pharmacy ("Board")
16 will conduct an administrative hearing at the following place and time, to determine
17 whether grounds exist to revoke or take other action regarding Pharmacy Technician
18 License No. T007103 held by Destiny Robinson ("Respondent"):

19 **Arizona State Board of Pharmacy**
20 **1700 W. Washington Street, 3rd Floor Board Room**
21 **Phoenix, Arizona 85007**
22 **On September 24, 2009, at 9:00 a.m.**

23 and continuing on successive days until concluding, concerning the matters set forth in
24 this Complaint and Notice of Hearing, at which time and place, evidence, testimony and
25 argument in support of the charges set forth in the Complaint will be presented. If you
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1 desire to make a defense to the charges at the hearing, you may appear at the hearing in
2 person and may be represented by legal counsel and may at that time cross-examine the
3 witnesses against you and present testimony of witnesses, evidence and argument in your
4 own behalf.

5 **Whether or not you intend to appear at the hearing, pursuant to A.R.S. § 32-**
6 **1927.01(O), YOU ARE REQUIRED to prepare and file a written Answer to the**
7 **allegations alleged in the above Complaint with the Board within 30 days after**
8 **service of this Complaint and Notice of Hearing.** Your Answer should contain specific
9 admissions or denials of the allegations of the Complaint, and may contain concise
10 factual allegations which you contend constitute a ground or grounds for defense. Your
11 Answer must be in writing, verified under oath, and filed with the Board within thirty
12 (30) days after service of the Complaint. *Id.* **THE BOARD SHALL CONSIDER**
13 **YOUR FAILURE TO RESPOND WITHIN THIS TIME AS YOUR ADMISSION**
14 **BY DEFAULT TO THE ALLEGATIONS STATED IN THE COMPLAINT.** *Id.*
15 The Board may then take any action allowed by A.R.S. § 32-1927.01 without conducting
16 a hearing. If you Answer and fail to appear for the hearing, the Board may proceed in
17 your absence. If you desire to waive a hearing and not contest the facts herein alleged,
18 you may file an Answer consisting of a declaration that the material allegations of the
19 Complaint are admitted.

20 After the hearing, if the Board determines that you have committed unprofessional
21 conduct or that you are professionally incompetent or physically or mentally
22 incapacitated to such a degree as to render you unfit to safely perform your employment
23 duties, the Board may revoke or suspend your license, place you on probation, issue you
24 a decree of censure or letter of reprimand, or impose upon you a civil penalty of not more
25 than \$1,000 for each violation. A.R.S. § 32-1927.01(A), (B). The Board may also charge
26

1 you for the costs of the administrative hearing. A.R.S. § 32-1927.01(C).

2 In accordance with Title II of the Americans with Disabilities Act (ADA), the
3 Board does not discriminate on the basis of disability in admission to and participation in
4 hearings. Should you, or anyone you call as a witness need special accommodations,
5 please contact the Board office at (602) 771-2727 at least three working days before the
6 hearing.

7 Pursuant to A.R.S. § 32-3206, you have the right to request a copy of the
8 following information from the Board:

- 9 1. Any review conducted by an expert or consultant providing an evaluation
10 of or opinion on the allegations.
- 11 2. Any records on the patient obtained by the board from other health care
12 providers.
- 13 3. The results of any evaluations or tests of the health professional conducted
14 at the board's direction.
- 15 4. Any other factual information that the board will use in making its
16 determination.

17 Please be advised that if you obtain the above-referenced information from the board, you
18 may not release it to any other person or entity or use it in any proceeding or action
19 except the administrative proceeding or appeals related to the administrative proceeding.
20 Violation of this restriction constitutes an act of unprofessional conduct per A.R.S. § 32-
21 3206(B). Also, please be advised that pursuant to A.R.S. § 32-3206(C), you or your
22 attorney may be charged for the cost of providing the information received up to the fee
23 for making a copy of each page as prescribed by A.R.S. § 12-284(A).

24 PARTIES AND JURISDICTION

25 1. The Board is the duly constituted authority for licensing and regulating the
26 practice of pharmacy in the State of Arizona.

2. Respondent is the holder of license number T007103, which allows her to
practice as a pharmacy technician in the State of Arizona.

1 3. Under A.R.S. § 32-1901, *et seq.*, the Board possess jurisdiction over the
2 subject matter and over Respondent as a licensee of the Board.

3 **FACTUAL ALLEGATIONS**

4 1. On September 12, 2008, Respondent was convicted of two counts of sexual
5 conduct with a minor, both class 6 undesignated felonies, in Maricopa County Superior
6 Court Case Number CR2008-123503-001.

7 2. Sexual conduct with a minor is a crime of moral turpitude.

8 3. While Respondent did report her conviction to the Board, at no point prior
9 to the conviction did Respondent notify the Board that she had been criminally charged.

10 **ALLEGED VIOLATIONS**

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

13 2. Pursuant to A.R.S. § 32-1927.01(A)(1), the Board may discipline a
14 pharmacy technician who has engaged in unprofessional conduct.

15 3. The conduct and circumstances described above constitute unprofessional
16 conduct pursuant to A.R.S. § 32-1901.01(C)(6) (Committing a felony, whether or not
17 involving moral turpitude, or a misdemeanor involving moral turpitude, or any drug
18 related offense. In either case, conviction by a court of competent jurisdiction or a plea
19 of no contest is conclusive evidence of the commission.).

20 4. The conduct and circumstances described above constitute unprofessional
21 conduct pursuant to A.R.S. § 32-3208(A) (A health professional who has been charged
22 with a misdemeanor involving conduct that may affect patient safety or a felony after
23 receiving or renewing a license or certificate must notify the health professional's
24 regulatory board in writing within ten working days after the charge is filed).

25 ...

1 DATED this 25th day of MARCH, 2009.

2 ARIZONA STATE BOARD OF PHARMACY

3
4 By: 
5 HAL WAND, R.Ph.
6 Executive Director

7 ORIGINAL OF THE FORGOING FILED
8 this 25 day of March, 2009, with:

9 Arizona State Board of Pharmacy
10 1700 West Washington Street, Suite 250
11 Phoenix, Arizona 85007

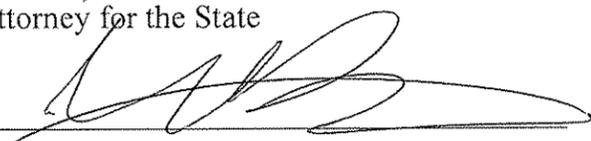
12 COPY OF THE FOREGOING MAILED
13 BY CERTIFIED & REGULAR FIRST-CLASS MAIL
14 this 25 day of March, 2009, to:

15 Destiny Robinson
16 8403 W. Dreyfus Dr.
17 Peoria, Arizona 85381
18 Respondent

19 COPY OF THE FOREGOING MAILED
20 this 25 day of March, 2009, to:

21 Christopher Munns
22 Assistant Attorney General
23 1275 W. Washington Street, CIV/SGO
24 Phoenix, Arizona 85007
25 Attorney for the Board

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



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