

1 **ARIZONA STATE BOARD OF PHARMACY**
2 **1700 W. Washington Street, Room 250**
3 **Phoenix, Arizona 85007**
4 **(602) 771-2727**

5 In the Matter of:

6 **DENISE GARCIA**

7 Holder of Pharmacy Technician License

8 No. T000247 in the State of Arizona
9

**FINDINGS OF FACT, CONCLUSIONS
of LAW and BOARD ORDER
No. 10-0007-PHR**

10 On November 19, 2009 the Arizona State Board of Pharmacy ("Board") considered the
11 State's Motion to Deem Allegations Admitted at the Board of Pharmacy Offices, 1700 W.
12 Washington Street, Room 312, in Phoenix, Arizona. Elizabeth Campbell, Assistant Attorney
13 General, appeared on behalf of the State. Respondent did not appear.
14

15 On November 19, 2009 the Board granted the State's Motion to Deem Allegations
16 Admitted. Based upon A.R.S. § 32-1927.01(O) and the Complaint and Notice of Hearing No.
17 10-0007-PHR filed in this matter, the Board issues the following Findings of Fact and
18 Conclusions of Law, and Order revoking Respondent's license.
19
20

21 **FINDINGS OF FACT**

22
23 1. On July 20, 2007, Respondent signed a Consent Agreement and Order for
24 Probation in Board Case No. 07-0054-PHR (the "2007 Consent Agreement"). The 2007
25 Consent Agreement became effective on September 17, 2007.

26 2. Under the 2007 Consent Agreement, Respondent was placed on probation for
27 one year. At the end of one year, Respondent was required to petition the Board to terminate
28
29

1 the probation. Respondent failed to petition the Board to terminate her probation. Therefore,
2 the probation was extended. 2007 Consent Agreement at 6-7.

3
4 3. The 2007 Consent Agreement required, among other things, that Respondent
5 submit to a 12-panel drug test at least twice per month and a comprehensive urinalysis screen
6 at least four times per year. Respondent was also required to submit monthly reports to the
7 Board. 2007 Consent Agreement at 6, ¶1, ¶2 and ¶3.

8 4. On March 30, 2009, Respondent submitted a letter to the Board admitting that
9 she had failed to participate in drug testing as required under the terms of the 2007 Consent
10 Agreement. Respondent has also failed to submit the required monthly reports to the Board.
11

12 CONCLUSIONS of LAW

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

15 2. Pursuant to A.R.S. § 32-1927.01(A)(1), the Board may discipline a pharmacy
16 technician who has engaged in unprofessional conduct.
17

18 3. The conduct and circumstances described above constitutes unprofessional
19 conduct pursuant to A.R.S. § 32-1901.01(C)(16) (Violating a formal order, terms of probation,
20 a consent agreement or a stipulation issued or entered into by the Board or its executive
21 director).
22

23 ORDER

24
25 In view of the above Findings of Fact and Conclusions of Law, the Board issues the
26 following Order:

27 Pharmacy Technician license number T000247 issued to Respondent is **REVOKED**.

28 A.R.S. § 32-1927.01(B)(1).
29

1 COPIES mailed this ⁴ day of ~~December, 2009~~ ^{JANUARY, 2010} TAP

2 By Certified Mail Receipt No. 7008 0150 0003 1434 9722

3
4 to:

5 Denise Garcia
6 3648 Tres Alamos Dr.
7 Bullhead City, Arizona 85442
8 Respondent

9 COPIES of the foregoing mailed this ⁴ day of ~~December, 2009~~ ^{JANUARY, 2010} TAP, to:

10 Elizabeth Campbell, Assistant Attorney General

11 and

12 MaryJo Foster, Assistant Attorney General, Solicitors Office

13
14 Both located at
15 1275 W. Washington
16 Phoenix, AZ 85007
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