

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 **KAREN ZAMBO**

7 Holder of Pharmacy Technician License

8 No. T014988 in the State of Arizona
9

FINDINGS OF FACT, CONCLUSIONS
of LAW and BOARD ORDER
No. 10-0011-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 10-0011-PHR filed in this matter, the Board issues the following Findings of Fact and
18 Conclusions of Law, and Order revoking Respondent's license.
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21 **FINDINGS OF FACT**

22
23 1. At all times relevant to these allegations, Respondent worked as a pharmacy
24 technician trainee at Wal-Mart Pharmacy #10-2766 in Scottsdale, Arizona (the "Pharmacy").

25 2. In May 2009, the Respondent admitted to diverting 150 alprazolam tablets from
26 the Pharmacy.
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1 substance by means of forgery, fraud, deception or subterfuge). A person who violates A.R.S.
2 § 36-2531(E) is guilty of a class 4 felony. A.R.S. § 36-2531(E).

3
4 6. The conduct described above constitutes a violation of A.R.S. § 36-2525(H)
5 (Except when dispensed directly by a medical practitioner to an ultimate user, a controlled
6 substance included in schedule III or IV that requires a prescription order as determined under
7 state or federal laws shall not be dispensed without a written or oral prescription order of a
8 medical practitioner).

9 7. The conduct described above constitutes a violation of A.R.S. § 36-2531(A)(1)
10 (It is unlawful for any person who is subject to A.R.S. § 36-2521 *et seq.* to intentionally or
11 knowingly distribute or dispense a controlled substance in violation of section 36-2525). A
12 person who violates A.R.S. § 36-2531(A)(1) is guilty of a class 4 felony. A.R.S. § 36-
13 2531(B).

14
15 8. Respondent's conduct described above constitutes a violation of A.R.S. § 32-
16 1968(A) ("A prescription-only drug shall be dispensed only under one of the following
17 conditions: (1) By a medical practitioner in conformance with A.R.S. § 32-1921; (2) On a
18 written prescription order bearing the prescribing medical practitioner's manual signature; (3)
19 On an electronically transmitted prescription order containing the prescribing medical
20 practitioner's electronic or digital signature that is reduced promptly to writing and filed by the
21 pharmacist; (4) On a written prescription order generated from electronic media containing the
22 prescribing medical practitioner's electronic or manual signature. A prescription order that
23 contains only an electronic signature must be applied to paper that uses security features that
24 will ensure the prescription order is not subject to any form of copying or alteration; (5) On an
25 oral prescription order that is reduced promptly to writing and filed by the pharmacist; (6) By
26 refilling any written, electronically transmitted or oral prescription order if a refill is
27 authorized by the prescriber either in the original prescription order, by an electronically
28
29

1 transmitted refill order that is documented promptly and filed by the pharmacist or by an oral
2 refill order that is documented promptly and filed by the pharmacist.”).

3
4 9. The conduct described above constitutes unprofessional conduct pursuant to
5 A.R.S. § 32-1901.01(C)(2) (“Violating a federal or state law or administrative rule relating to
6 the manufacture or distribution of drugs or devices.”).

7 10. The conduct described above constitutes unprofessional conduct pursuant to
8 A.R.S. § 32-1901.01(C)(6) (“Committing a felony, whether or not involving moral turpitude,
9 or a misdemeanor involving moral turpitude or any drug- related offense. In either case,
10 conviction by a court of competent jurisdiction or a plea of no contest is conclusive evidence
11 of the commission.”).

12 11. The conduct described above constitutes unprofessional conduct pursuant to
13 A.R.S. § 32-1901.01(C)(8) (“Violating a federal or state law or administrative rule relating to
14 marijuana, prescription-only drugs, narcotics, dangerous drugs, controlled substances or
15 precursor chemicals when determined by the board or by conviction in a federal or state
16 court.”).

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19 **ORDER**

20 In view of the above Findings of Fact and Conclusions of Law, the Board issues the
21 following Order:

22 Pharmacy Technician license number T014988 issued to Respondent is **REVOKED**.
23
24 A.R.S. § 32-1927.01(B)(1).

25
26 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

27 Respondent is hereby notified of the right to petition for a rehearing or review by filing
28 a petition with the Board’s Executive Director within thirty (30) days after service of this
29

1 Order. A.R.S. § 41-1092.09. The petition must set forth legally sufficient reasons for granting
2 a rehearing. A.C.C. R4-23-128. Service of this order is effective five (5) days after date of
3 mailing. If a motion for rehearing is not filed, the Board's Order becomes effective thirty-five
4 (35) days after it is mailed to Respondent.
5

6 Respondent is further notified that the filing of a motion for rehearing is required to
7 preserve any rights of appeal to the Superior Court.
8

9
10 DATED this 28th day of December, 2009.

11
12 ARIZONA STATE BOARD OF PHARMACY

13
14 SEAL

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16 

17 Hal Wand, R.Ph.
18 Executive Director
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1 COPIES mailed this 4 day of ~~December, 2009~~ JANUARY 2010 (TNP)

2 By Certified Mail Receipt No. 7008 0150 0003 1434 9739

3
4 to:

5 Karen Zambo
6 7673 E. Quill Lane
7 Scottsdale, Arizona 85255
8 Respondent

9 COPIES of the foregoing mailed this 4 day of ~~December, 2009~~, to: JANUARY 2010 (TNP)

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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