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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 **KIMBERLY CRISTOFF,**  
12 Holder of License No. S012991  
As a Pharmacist  
13 In the State of Arizona

Board Case No. 11-0015-PHR  
**CONSENT AGREEMENT  
FOR CIVIL PENALTY AND  
CONTINUING EDUCATION**

14  
15 In the interest of a prompt and judicious settlement of this case, consistent with the  
16 public interest, statutory requirements and the responsibilities of the Arizona State Board  
17 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Kimberly Cristoff  
18 ("Respondent"), holder of Pharmacist License Number S012991 in the State of Arizona,  
19 and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law  
20 and Order ("Consent Agreement") as a final disposition of this matter.

21 **RECITALS**

22 1. Respondent has read and understands this Consent Agreement and has had  
23 the opportunity to discuss this Consent Agreement with an attorney, or has waived the  
24 opportunity to discuss this Consent Agreement with an attorney.  
25  
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 Board  
12 Complaint No. 3836 involving allegations of unprofessional conduct against Respondent.  
13 The investigation into these allegations against Respondent shall be concluded upon the  
14 Board's adoption of this Consent Agreement.

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.     Respondent acknowledges and agrees that, upon signing this Consent  
24 Agreement and returning this document to the Board's Executive Director, she may not  
25 revoke her acceptance of the Consent Agreement or make any modifications to the  
26

1 document regardless of whether the Consent Agreement has been signed by the  
2 Executive Director. Any modification to this original document is ineffective and void  
3 unless mutually agreed by the parties in writing.

4 9. This Consent Agreement is subject to the approval of the Board and is  
5 effective only when accepted by the Board and signed by the Executive Director. In the  
6 event that the Board does not approve this Consent Agreement, it is withdrawn and shall  
7 be of no evidentiary value and shall not be relied upon nor introduced in any action by  
8 any party, except that the parties agree that should the Board reject this Consent  
9 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the  
10 Board was prejudiced by its review and discussion of this document or any records  
11 relating thereto.

12 10. 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 11. Respondent understands that this Consent Agreement is a public record that  
16 may be publicly disseminated as a formal action of the Board and may be reported as  
17 required by law to the National Practitioner Data Bank and the Healthcare Integrity and  
18 Protection Data Bank.

19 12. Respondent understands that any violation of this Consent Agreement  
20 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-  
21 1901.01(B)(20), -1927(A)(1).

22 13. Respondent agrees that the Board will adopt the following Findings of Fact,  
23 Conclusions of Law and Order.

24 ...

25 ...

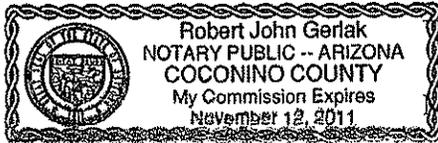
26 ...

1 ACCEPTED AND AGREED BY RESPONDENT

2 [Signature]  
3 Kimberly Cristoff

Dated: 10-04-10

4 Subscribed and sworn to before me in the County of Cocconino, State of Arizona  
5 this 4th day of October, 2010, by Kimberly Cristoff.



6 [Signature]  
7 NOTARY PUBLIC

8 My Commission expires: 11/12/11

9 **FINDINGS OF FACT**

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

12 2. Respondent is the holder of license number S012991 to practice as a  
13 pharmacist in the State of Arizona.

14 3. During all relevant times to these findings, Respondent worked as a  
15 pharmacist at Flagstaff Pharmacy (the "Pharmacy") in Flagstaff, Arizona.

16 4. In May 2010, a hospital had four prescriptions for the complainant patient  
17 filled at the Pharmacy. One of the prescriptions was for Augmentin®, but clearly stated  
18 at the bottom of the prescription that the complainant patient was allergic to amoxicillin.  
19 The Pharmacy filled the prescription for Augmentin®, and it was delivered to the patient.

20 5. Respondent verified the prescription, but missed the allergy information  
21 printed on the bottom portion of the prescription and approved the prescription.

22 6. Complainant patient did not take any of the Augmentin®.



1 pharmacist shall interpret the prescription order, which includes exercising professional  
2 judgment in determining whether to dispense a particular prescription).

3 7. The conduct described above violated Arizona Administrative Code R4-23-  
4 402(A)(11) (In dispensing a prescription medication from a prescription order, a  
5 pharmacist shall make a final accuracy check on the completed prescription medication).

6 8. The conduct described above violated Arizona Administrative Code R4-23-  
7 402(G) (Using a method approved by the Board or its designee, a pharmacist, graduate  
8 intern or pharmacy intern shall document, or assume responsibility to document, that oral  
9 consultation is or is not provided).

10 **ORDER**

11 Based upon the above Findings of Fact and Conclusions of Law, IT IS HEREBY  
12 ORDERED THAT Respondent shall:

13 1. Pay a civil penalty of \$500.00 within **90 days** of the effective date of this  
14 Order; and

15 2. Successfully complete and provide proof of successful completion to the  
16 Board of six (6) contact hours (0.6 C.E.U.) of American Council on Pharmaceutical  
17 Education course(s) on the topic of error prevention. The required course(s) must be  
18 completed within **90 days** of the effective date of this Order, must be pre-approved by  
19 Board staff, and shall be in addition to the requirements of A.R.S. § 32-1936 and A.A.C.  
20 R4-23-204.

21 3. If Respondent violates this Order in any way or fails to fulfill the  
22 requirements of this Order, the Board, after giving the Respondent notice and the  
23 opportunity to be heard, may revoke, suspend or take other disciplinary actions against  
24 Respondent's license. The issue at such a hearing will be limited solely to whether this  
25 Order has been violated.

1  
2 DATED this 22<sup>nd</sup> day of November, 2010.

3  
4 ARIZONA STATE BOARD OF PHARMACY

5 (Seal)

6 By:   
7 HAL WAND, R.Ph.  
8 Executive Director

9  
10  
11 ORIGINAL OF THE FORGOING FILED  
12 this 22 day of NOV, 2010, with:

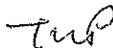
13 Arizona State Board of Pharmacy  
14 1700 West Washington, Suite 250  
15 Phoenix, Arizona 85007

16 EXECUTED COPY OF THE FOREGOING MAILED  
17 BY CERTIFIED MAIL  
18 this 22 day of NOV, 2010, to:

19 Kimberly Cristoff  
20 2429 N. Brians Way  
21 Flagstaff, Arizona 86004  
22 Respondent

23 EXECUTED COPY OF THE FOREGOING MAILED  
24 this 22 day of NOV, 2010, to:

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



#951611