

DEC 3 1 2012

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

10 In the Matter of

11 **CRYSTAL RUSINSKY,**

12 Holder of License No. T025943
As a Pharmacy Technician Trainee
13 In the State of Arizona

Board Case No. 12-0038-PHR

**CONSENT AGREEMENT
AND ORDER FOR SURRENDER
OF LICENSE**

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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.*, Crystal Rusinsky
18 ("Respondent"), holder of Pharmacy Technician License Number T025943 in the State of
19 Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions
20 of Law 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 2. Respondent understands that she has a right to a public administrative
26 hearing concerning this matter at which hearing she could present evidence and cross

1 examine witnesses. By entering into this Consent Agreement, Respondent knowingly
2 and voluntarily relinquishes all right to such an administrative hearing, as well as rights
3 of rehearing, review, reconsideration, appeal, judicial review or any other administrative
4 and/or judicial action, concerning the matters set forth herein.

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

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

9 5. Respondent understands this Consent Agreement deals with Board
10 complaint number 4110 involving allegations of unprofessional conduct against
11 Respondent. The investigation into these allegations against Respondent shall be
12 concluded upon the Board's adoption of this Consent Agreement.

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

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

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

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

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

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

18 12. Respondent understands that any violation of this Consent Agreement
19 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
20 1901.01(C) (16), -1927.01(A) (1).

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

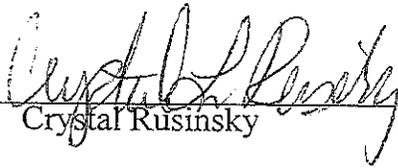
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2 ACCEPTED AND AGREED BY RESPONDENT

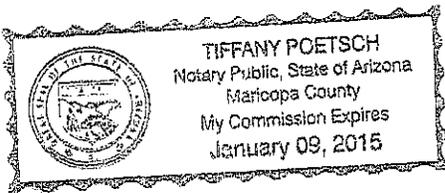
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4 
Crystal Rusinsky

DEC 31 2012

Dated: _____

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6 Subscribed and sworn to before me in the County of Maricopa State of Arizona
this 31 day of December, 2012, by Crystal Rusinsky.

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8 
NOTARY PUBLIC



My Commission expires: January 09, 2015

12 **FINDINGS OF FACT**

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

15 2. Respondent is the holder of license number T025943 to practice as a
16 pharmacy technician trainee in the State of Arizona.

17 3. During all relevant times to these findings, Respondent worked as a
18 pharmacy technician trainee at Safeway Pharmacy #2052 located at 1635 E. Cottonwood
19 Lane, Cottonwood, Arizona (the "Pharmacy").

20 4. On April 24, 2012 Respondent forged prescriptions for
21 HYDROCO/ACET/AM and CARISOPRODOL for a fictional patient, purchased the
22 prescriptions and after taking possession of the drugs failed a drug test for these
23 substances.
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1 5. On or about April 30, 2012 Respondent was interviewed by Safeway
2 personnel regarding her activities relating to forged prescriptions of
3 HYDROCO/ACET/AM and CARISOPRODOL on April 24, 2012. Respondent admitted
4 that she had fabricated the prescriptions for a fictional patient named "John Lee".
5 Respondent admitted that she took a copy of a legitimate Escript home and used her
6 home computer to enter a false name, personal information and altered RX code numbers
7 for the fictional patient "John Lee". Respondent then had the forged prescriptions filled
8 at the Pharmacy and purchased the prescriptions. Respondent admitted that she had
9 acquired the medications for her personal use. Respondent also admitted that there was
10 no authorization from any medical professional for the prescriptions, it was wrong for her
11 to fabricate the false prescriptions and she had been done this nine (9) times over a six (6)
12 month period.

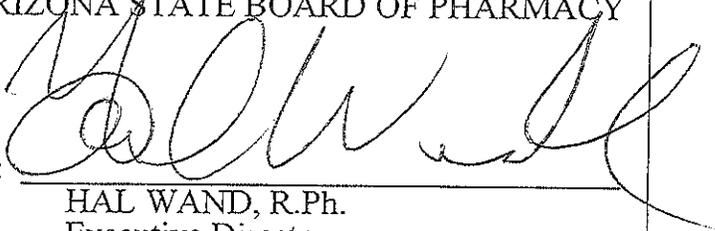
15 6. Safeway personnel conducted an investigation on the prescriptions filled
16 for "John Lee" at the Pharmacy which documented that the first prescriptions for
17 HYDROCO/ACET/AM and CARISOPRODOL were filled on October 13, 2011 and
18 were refilled on October 25, 2011. Prescription refills for HYDROCO/ACET/AM were
19 filled on February 6, 2012 and February 22, 2012 at the Pharmacy. On February 29,
20 2012 a refill prescription for CARISOPRODOL filled at the Pharmacy. The
21 investigation also revealed that Respondent was on duty and working at the Pharmacy on
22 each of these days.
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1 Consent Agreement. The surrender of Respondent's license shall be treated as the
2 revocation of her license.

3
4 DATED this 25 day of January, 2013

5 ARIZONA STATE BOARD OF PHARMACY

6 (Seal)

7
8 By: 

9 HAL WAND, R.Ph.
Executive Director

10 ORIGINAL OF THE FOREGOING FILED
11 this 25 day of January, 2013 with:

12 Arizona State Board of Pharmacy
13 1616 W. Adams Street
Phoenix, Arizona 85007

14 EXECUTED COPY OF THE FOREGOING MAILED
15 BY CERTIFIED MAIL
this 25 day of January, 2013, to:

16 Crystal Rusinsky
17 5565 Snow Bowl Drive
Flagstaff, Arizona 86004
Respondent

18 EXECUTED COPY OF THE FOREGOING MAILED
19 this 25 day of January, 2013 to:

20 Montgomery Lee
21 Assistant Attorney General
1275 W. Washington Street, CIV/LES
22 Phoenix, Arizona 85007
Attorney for the Board

23 _____
24 2808583
25
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