

1 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

2 In the Matter of: )  
3 JENNIFER L. FORCE )  
4 Holder of License No. 6924 )  
5 for Technician Trainee )  
6 In the State of Arizona, )  
7 Respondent )

**Investigative Case No. 05-0020-PHR**  
**CONSENT AGREEMENT AND ORDER**  
**FOR SUSPENSION AND PROBATION**

7 **CONSENT AGREEMENT**

8 **RECITALS**

9 In the interest of a prompt and judicious settlement of this case, consistent with the public  
10 interest, statutory requirements and the responsibilities of the Arizona State Board of Pharmacy  
11 ("Board") and under A.R.S. §§ 32-1901, *et seq.* and 41-1092.07(F)(5) , JENNIFER L. FORCE  
12 ("Respondent"), holder of Pharmacy Technician License No. 6924 to work as a technician trainee  
13 in the State of Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions  
14 of Law and Order ("Consent Agreement") as a final disposition of this matter.

15 1. Respondent has read and understands this Consent Agreement and has had the  
16 opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity  
17 to discuss this Consent Agreement with an attorney.

18 2. Respondent understands that she has a right to a public administrative hearing  
19 concerning the above-captioned matter, at which hearing she could present evidence and cross-  
20 examine witnesses. By entering into this Consent Agreement, Respondent knowingly and voluntarily  
21 relinquishes all right to such an administrative hearing, as well as rights of rehearing, review,  
22 reconsideration, appeal, judicial review or any other administrative and/or judicial action, concerning  
23 the matters set forth herein.

24 3. Respondent affirmatively agrees that this Consent Agreement shall be  
25 irrevocable.

26 4. Respondent understands that this Consent Agreement or any part of the agreement may

1 be considered in any future disciplinary action by the Board against her.

2 5. Respondent understands this Consent Agreement deals with Board Investigation  
3 Case No. 05-0020-PHR involving allegations of unprofessional conduct against Respondent. The  
4 investigation into these allegations against Respondent shall be concluded upon the Board's  
5 adoption of this Consent Agreement.

6 6. Respondent understands that this Consent Agreement does not constitute a dismissal  
7 or resolution of any other matters currently pending before the Board, if any, and does not constitute  
8 any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any other  
9 pending or future investigation, action or proceeding. Respondent also understands that acceptance of  
10 this Consent Agreement does not preclude any other agency, subdivision, or officer of this State from  
11 instituting any other civil or criminal proceedings with respect to the conduct that is the subject of this  
12 Consent Agreement.

13 7. All admissions made by Respondent in this Consent Agreement are made solely for the  
14 final disposition of this matter, and any related administrative proceedings or civil litigation involving  
15 the Board and Respondent. Therefore, any admissions made by Respondent in this Consent  
16 Agreement are not intended for any other use, such as in the context of another regulatory agency's  
17 proceedings, or civil or criminal proceedings, whether in the State of Arizona or in any other state or  
18 federal court.

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

24 9. Respondent understands that the Consent Agreement shall not become effective unless  
25 and until adopted by the Board and signed by its Executive Director.

26 10. If a court of competent jurisdiction rules that any part of this Consent Agreement is

1 void or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full  
2 force and effect.

3 11. Respondent understands and agrees that if the Board does not adopt this Consent  
4 Agreement, she will not assert as a defense that the Board's consideration of this Consent  
5 Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

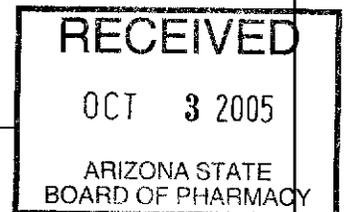
6 12. Respondent understands that this Consent Agreement is a public record that may be  
7 publicly disseminated as a formal action of the Board and may be reported as required by law to  
8 the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

9 13. Respondent understands that any violation of this Consent Agreement constitutes  
10 unprofessional conduct under A.R.S. § 32-1901.01 (C) (16), ([v]iolated a formal order, terms  
11 of probation, a consent agreement or a stipulation issued or entered into by the board or its Executive  
12 Director pursuant to this chapter) and may result in disciplinary action under A.R.S. § 32-1927.01 (A)  
13 (1).

14 **REVIEWED and ACCEPTED BY :**

15   
16 JENNIFER L. FORCE

15 9/18/05  
16 DATE



17  
18 Notary Public

19 **FINDINGS OF FACT**

20 By stipulation of the parties, this Consent Agreement is entered into for final disposition of the  
21 matters described herein. Respondent admits to the following Findings of Fact:

22 14. The Board is the duly constituted authority for the regulation and control of the practice  
23 of pharmacy in the State of Arizona.

24 15. The Board possesses jurisdiction over the subject matter and over Respondent as a  
25 licensee of the Board, under A.R.S. § 32-1901, *et seq.*

26 16. Respondent is the holder of Pharmacy Technician License No. 6924 which permits her

1 to work as a pharmacy technician in the State of Arizona.

2 17. On May 16, 2005, Respondent was interviewed by CVS Pharmacy Supervisor  
3 Michael Calli and Loss Prevention Manager Lionel Halstead. During the interview, Respondent  
4 knowingly and voluntarily admitted to stealing Vicodin, Valium, and Lorazepam from CVS Pharmacy  
5 #7852, while working as a pharmacy technician. Respondent also admitted that she did not have a  
6 prescription for these stolen controlled substances. **(See Exhibit A - Letter From Michael Calli With  
7 Respondent's Statement).**

8 18. On June 14, 2005, a Board Compliance Officer conducted an audit of various  
9 controlled substances at CVS pharmacy #7852 and determined that the following controlled substances  
10 were unaccounted for during the period from January 20, 2005 and June 14, 2005:

|                                       |   |             |
|---------------------------------------|---|-------------|
| 11 Hydrocodone 10mg. with APAP 325mg. | - | 184 tablets |
| 12 Diazepam 10 mg.                    | - | 83 tablets  |
| 13 Lorazepam 0.5 mg.                  | - | 34 tablets  |

14  
15 **CONCLUSIONS OF LAW**

16  
17 19. The Board is the duly constituted authority for the regulation and control of the practice  
18 of pharmacy in the state of Arizona, under A.R.S. § 32-1901, *et seq.*

19 20. The conduct and circumstances described in the above Findings of Fact constitute  
20 violations of A.R.S. § 32-1927.01(A)(1) to wit:

21  
22 The board determines that the licensee has committed an act of unprofessional conduct. The  
23 conduct and circumstances described in the above Findings of Fact constitute unprofessional conduct  
24 and are grounds for disciplinary action under A.R.S. § 32-1901.01 (C)(8) and (C)(15) to wit:

25 A.R.S. § 32-1901.01 (C)(8): In this chapter, unless the context otherwise requires, for the  
26 purposes of disciplining a pharmacy technician or pharmacy technician trainee,  
“unprofessional conduct” means the following, whether occurring in this state or

1 elsewhere:

2 Violating a federal or state law or administrative rule relating to marijuana,  
3 prescription-only drugs, narcotics, dangerous drugs, controlled substances or precursor  
4 chemicals when determined by the board or by conviction in a federal or state court.

5 A.R.S. 32-1901.01 (C)(15): In this chapter, unless the context otherwise requires, for the  
6 purposes of disciplining a pharmacy technician or pharmacy technician trainee,  
7 "unprofessional conduct" means the following, whether occurring in this state or  
8 elsewhere:

9 Violating or attempting to violate, directly or indirectly, or assisting in or abetting in the  
10 violation of, or conspiring to violate, this chapter.

11 21. The conduct and circumstances described in the above Findings of Fact constitute  
12 unprofessional conduct and are grounds for disciplinary action under A.R.S. § 32-1968(A) to wit:

13 A.R.S. § 32-1968(A): A prescription-only drug shall be dispensed only under one of the  
14 following conditions:

- 15 1. By a medical practitioner in conformance with section 32-1921.
- 16 2. On a written prescription order.
- 17 3. On an oral prescription order that is reduced promptly to writing and filed by the  
18 pharmacist.
- 19 4. By renewing any written or oral prescription order if a renewal is authorized by the  
20 prescriber either in the original prescription order or by an oral order that is reduced  
21 promptly to writing and filed by the pharmacist.

### 22 ORDER

23 Based upon the above Findings of Fact and Conclusions of Law, and under the authority granted  
24 to the Board, under A.R.S. §§ 32-1927.01, 41-1092.07 (F)(5), and A.A.C. R4-23-122(C),

25 **IT IS HEREBY ORDERED** that:

26 23. Pharmacy Technician License No. 6924, which was issued to Respondent to allow her to  
work as a pharmacy technician in the State of Arizona, is hereby **SUSPENDED** for thirty (30) days  
followed by a **PROBATION** for one (1) year, subject to the following conditions:

24. Respondent shall obey all federal and state laws and rules governing the practice of

1 pharmacy.

2 25. Respondent is required to immediately advise the Board of any change in her pharmacy  
3 employment throughout the term of her probation.  
4

5 26. Respondent is required to furnish all pharmacy employers with a copy of this Board  
6 Order throughout the term of her probation.

7 27. Respondent shall appear in person before the Board to respond to questions or concerns  
8 regarding her compliance with this Order when requested by the Board.

9 28. If Respondent violates this Order in any way or fails to fulfill the requirements of this  
10 Order, the Board, after giving the Respondent notice and the opportunity to be heard, may revoke,  
11 suspend or take other disciplinary actions against the Respondent. The issue at such a hearing will be  
12 limited solely to whether this Order has been violated.  
13

14 29. Respondent shall appear before the Board at its November 16, 2006 meeting to request  
15 termination of her probation. Respondent's failure to petition the Board to terminate her probation shall  
16 extend the probation period.  
17

18 **DATED and EFFECTIVE this 16<sup>th</sup> day of November, 2005**

19 **ARIZONA STATE BOARD OF PHARMACY**

20   
21

22 Hal Wand, R.Ph.,  
23 Executive Director  
24 Arizona State Board of Pharmacy  
25  
26

1 ORIGINAL of the foregoing, fully executed,  
2 filed this 16<sup>th</sup> day of November, 2005, with:

3 Arizona State Board of Pharmacy  
4 4425 W. Olive Avenue, #140  
5 Glendale, Arizona 85302

6 Fully Executed Copy of the foregoing sent  
7 via Certified US mail this 21<sup>st</sup> day of  
8 November, 2005 to: 7000 1670 0006 4393 5393

9 JENNIFER L. FORCE  
10 3415 E. Menadota Drive  
11 Phoenix, AZ 85050  
12 Respondent

13 Copy or the foregoing mailed  
14 this 21<sup>st</sup> day of November, 2005 to:

15 Roberto Pulver  
16 Assistant Attorney General  
17 1275 W. Washington, CIV/LES  
18 Phoenix, Arizona 85007  
19 Attorney for the State

20 By: *Lamen M Hargrave*

21 #454271

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26 Sent To: Jennifer L. Force  
Street: 3415 E. Menadota Drive  
City, S: Phoenix, Arizona 85050

*mailed  
11/21/05  
Order  
05-0020-PHR*

7000 1670 0006 4393 5393

PS Form 3800, Mar. 2000 See Reverse for Instructions