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7  
8 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

9 In the Matter of

10 **DIONE VALAZQUEZ**

11 Holder of License No. 8567  
12 As a Pharmacy Technician  
13 In the State of Arizona

Board Case No. 06-0029-PHR

**CONSENT AGREEMENT  
FOR REVOCATION**

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15 **RECITALS**

16 In the interest of a prompt and judicious settlement of this case, consistent with the  
17 public interest, statutory requirements and the responsibilities of the Arizona State Board  
18 of Pharmacy ("Board") and under A.R.S. §§ 32 1901, *et. seq.* and 41 1092.07(F)(5),  
19 Dione Valazquez ("Respondent"), holder of Pharmacist Technician License Number  
20 8567 in the State of Arizona, and the Board enter into the following Recitals, Findings of  
21 Fact, Conclusions of Law and Order ("Consent Agreement") as a final disposition of this  
22 matter.

23 1. Respondent has read and understands this Consent Agreement and has had  
24 the opportunity to discuss this Consent Agreement with an attorney, or has waived the  
25 opportunity to discuss this Consent Agreement with an attorney.  
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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 Case  
12 No.           involving allegations of unprofessional conduct against Respondent. The  
13 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.     All admissions made by the Respondent in this Consent Agreement are  
24 made solely for the final disposition of this matter, and any related administrative pro-  
25 ceedings or civil litigation involving the Board and Respondent. Therefore, any admis-  
26

1 sions made by Respondent in this Consent Agreement are not intended for any other use,  
2 such as in the context of another regulatory agency's proceedings, or civil or criminal  
3 proceedings, whether in the State of Arizona or in any other state or federal court.

4 9. Respondent acknowledges and agrees that, upon signing this Consent  
5 Agreement and returning this document to the Board's Executive Director, she may not  
6 revoke her acceptance of the Consent Agreement or make any modifications to the  
7 document regardless of whether the Consent Agreement has been signed by the Execu-  
8 tive Director. Any modification to this original document is ineffective and void unless  
9 mutually agreed by the parties in writing.

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

12 11. 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 12. Respondent understands and agrees that if the Board does not adopt this  
16 Consent Agreement, she will not assert as a defense that the Board's consideration of this  
17 Consent Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

18 13. Respondent understands that this Consent Agreement is a public record that  
19 may be publicly disseminated as a formal action of the Board and may be reported as  
20 required by law to the National Practitioner Data Bank and the Healthcare Integrity and  
21 Protection Data Bank.

22 14. Respondent understands that any violation of this Consent Agreement  
23 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-  
24 1901.01(B)(20), -1927(A)(1).



1 ACCEPTED AND AGREED BY RESPONDENT

2 Dione Velazquez  
3 Dione Velazquez

Dated: 7/10/06

4 Subscribed and sworn to before me in the County of Maricopa, State of Arizona,  
5 this 10<sup>th</sup> day of July, 2006, by Dione Velazquez.



6 [Signature]  
7 NOTARY PUBLIC

8 My Commission expires: Aug 29<sup>th</sup> 2009

9  
10 **FINDINGS OF FACT**

- 11 1. The Arizona State Board of Pharmacy ("Board") is the duly constituted
- 12 authority for licensing and regulating the practice of pharmacy in the State of Arizona.
- 13 2. Dione Velazquez ("Respondent") is the holder of license number 8567 to
- 14 practice as a pharmacy technician in the State of Arizona.
- 15 3. During all times relevant to these Findings, Respondent was employed as a
- 16 pharmacy technician at Express Scripts, Inc. ("Pharmacy") in Tempe, Arizona.
- 17 4. The Pharmacy performs random drug screens on its employees each month.
- 18 On or about March 30, 2006, a random drug test was performed on Respondent. The
- 19 results of the drug test were positive for marijuana.
- 20 5. Respondent's employment with the Pharmacy was terminated on March 30,
- 21 2006 for violating the company's drug testing policy.
- 22 6. The Pharmacy reported the incident to the Board on April 5, 2006.

23 **CONCLUSIONS OF LAW**

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



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DATED this 2<sup>ND</sup> day of AUGUST, 2006.

ARIZONA STATE BOARD OF PHARMACY

(Seal)



By: HAL WAND, R.Ph.  
Executive Director

ORIGINAL OF THE FORGOING FILED  
this 2<sup>ND</sup> day of August, 2006, with:

Arizona State Board of Pharmacy  
4425 W. Olive Avenue, Suite 140  
Glendale, Arizona 85302

EXECUTED COPY OF THE FOREGOING MAILED  
BY CERTIFIED MAIL

this 2<sup>ND</sup> day of August, 2006, to:

Dione Valazquez  
655 West Silver Creek Road  
Gilbert, Arizona 85233  
Respondent

EXECUTED COPY OF THE FOREGOING MAILED  
this 2<sup>ND</sup> day of August, 2006, to:

Dawn Walton Lee  
Assistant Attorney General  
1275 W. Washington Street, CIV/LES  
Phoenix, Arizona 85007  
Attorneys for the State of Arizona



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