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

9
10 In the Matter of

11 **Lisa M. Hunter,**

12 Holder of License No. 13072
As a Pharmacist
13 In the State of Arizona

Board Case No. 08-0003-PHR

**CONSENT AGREEMENT
FOR SURRENDER**

14
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), Lisa
19 M. Hunter ("Respondent"), holder of Pharmacist License Number 13072 in the State of
20 Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions
21 of Law and Order ("Consent Agreement") as a final disposition of this matter.

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.
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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
12 Complaint No. 3350 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. 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
25 proceedings or civil litigation involving the Board and Respondent. Therefore, any
26

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

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

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

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

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

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

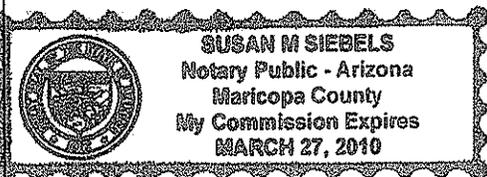
23 14. Respondent understands that any violation of this Consent Agreement
24 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
25 1901.01(B)(20), -1927(A)(1).

1 ACCEPTED AND AGREED BY RESPONDENT

2
3 *Lisa M. Hunter*
4 Lisa M. Hunter

Dated: 11/26/07

5 Subscribed and sworn to before me in the County of Maricopa, State of Arizona,
6 this 30 day of November, 2007, by Lisa M. Hunter.



7 *Susan M. Siebels*
8 NOTARY PUBLIC

9 My Commission expires: 3-27-2010

10 RESPONDENT AND THE BOARD AGREE TO THE
11 FOLLOWING FINDINGS OF FACT

- 12 1. The Arizona State Board of Pharmacy ("Board") is the duly constituted
13 authority for licensing and regulating the practice of pharmacy in the State of Arizona.
- 14 2. Lisa M. Hunter ("Respondent") is the holder of license number 13072 to
15 practice as a pharmacist in the State of Arizona.
- 16 3. During all relevant times to these findings, Respondent worked as a
17 pharmacist West Valley Hospital Medical Center pharmacy in Goodyear, Arizona.
- 18 4. On March 19, 2007, Respondent inappropriately labeled an IV order. A 1
19 gm valporic acid IV was ordered stat. Respondent input the order as "1 mg" instead of "1
20 gm," and printed a label. A nurse on the floor noticed that the label read 1 mg/50 ml and
21 refused to use the IV. The nurse returned the bag to the pharmacy and ordered a new
22 bag. Respondent wanted to just re-label the bag without remaking the IV solution.
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1 RESPONDENT AND THE BOARD AGREE TO THE FOLLOWING
2 CONCLUSIONS OF LAW

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

5 2. The Board may discipline a pharmacist who has engaged in unprofessional
6 conduct. A.R.S. § 32-1927(A)(1).

7 3. The conduct and circumstances described above constitutes unprofessional
8 conduct pursuant to A.R.S. § 32-1901.01(B)(2) (“Violating any federal or state law, rule
9 or regulation relating to the manufacture or distribution of drugs and devices or the
10 practice of pharmacy.”).

11 4. The conduct and circumstances described above constitute unprofessional
12 conduct pursuant to A.R.S. § 32-1901.01(B)(10) (“Violating a federal or state law or
13 administrative rule relating to marijuana, prescription-only drugs, narcotics, dangerous
14 drugs, controlled substances or precursor chemicals when determined by the board or by
15 conviction in a federal or state court.”)

16 5. The conduct described above violated Arizona Administrative Code R4-23-
17 653(E). Respondent violated the following subsections of Arizona Administrative Code
18 R4-23-653(E): (3) measure, count, pour, or otherwise prepare and package a drug
19 needed for dispensing, except a pharmacy technician or pharmacy technician trainee may
20 measure, count, pour, or otherwise prepare and package a drug needed for dispensing
21 under the supervision of a pharmacist according to written policies and procedures
22 approved by the Board or its designee; (4) compound, admix, combine, or otherwise
23 prepare and package a drug needed for dispensing, except a pharmacy technician may
24 compound, admix, combine, or otherwise prepare and package a drug needed for
25 dispensing under the supervision of a pharmacist according to written policies and
26 procedures approved by the Board or its designee; (5) verify the accuracy, correct

1 procedure, compounding, admixing, combining, measuring, counting, pouring, preparing,
2 packaging, and safety of a drug prepared and packaged by a pharmacy technician or
3 pharmacy technician trainee according to subsections (E)(3) and (4) and according to the
4 policies and procedures in subsection (G); and (13) verify the accuracy of all aspects of
5 the original, completed medication order.

6 **ORDER**

7 Based upon the above Findings of Fact and Conclusions of Law and under the
8 authority granted to the Board, under A.R.S. § 41-1092.07(F)(5), and A.A.C. R4-23-
9 122(C),

10 Lisa M. Hunter hereby **SURRENDERS** License No. 13072, which was issued to
11 her to practice as a pharmacist in the State of Arizona. Respondent shall not reapply for
12 licensure in the State of Arizona or petition for reinstatement of her Arizona pharmacist
13 license for a period of at least one year from the effective date of this Consent
14 Agreement. Any reinstatement or relicensure of Respondent will be conditioned, in part,
15 upon Ms. Hunter's successful completion of the MPJE and NAPLEX.

16
17 DATED this 26th day of November, 2007.

18
19 ARIZONA STATE BOARD OF PHARMACY

20 (Seal)

21 By:



22 HAL WAND, R.Ph.
23 Executive Director
24
25
26

1 ORIGINAL OF THE FORGOING FILED
this 20th day of November, 2007, with:

2 Arizona State Board of Pharmacy
3 1700 West Washington, Suite 250
4 Phoenix, Arizona 85007

5 EXECUTED COPY OF THE FOREGOING MAILED
BY CERTIFIED MAIL

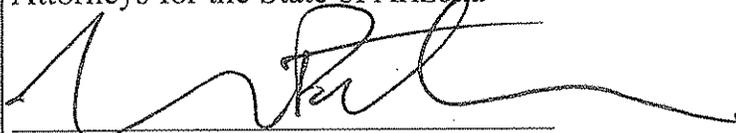
6 this 26th day of November, 2007, to:

7 Lisa M. Hunter
8 P.O. Box 72424
9 Phoenix, AZ 85050
Respondent

10 EXECUTED COPY OF THE FOREGOING MAILED
this 26th day of November, 2007, to:

11 Michael B. Peugnet
12 Broening Oberg Woods & Wilson
13 P.O. Box 20527
Phoenix, Arizona 85016

14 Elizabeth A. Campbell
15 Assistant Attorney General
16 1275 W. Washington Street, CIV/LES
Phoenix, Arizona 85007
Attorneys for the State of Arizona

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18 #90975