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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 **TODD VOSS,**

12 Holder of License No. 12949
As a Pharmacist
13 In the State of Arizona

Board Case No. 08-0046-PHR

**CONSENT AGREEMENT
FOR CIVIL PENALTY AND
CONTINUING EDUCATION**

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") under A.R.S. § 32-1901, *et. seq.*, Todd Voss ("Respondent"),
19 holder of Pharmacist License Number 12949 in the State of Arizona, and the Board enter
20 into the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent
21 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 he has a right to a public administrative
2 hearing concerning the above-captioned matter, at which hearing he 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 him.

11 5. Respondent understands this Consent Agreement deals with Board
12 Complaint No. 3517 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, he may not
25 revoke his 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. Respondent understands that the Consent Agreement shall not become
5 effective unless and until adopted by the Board and signed by its Executive Director.

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

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

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

16 13. Respondent understands that any violation of this Consent Agreement
17 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
18 1901.01(B)(20), -1927(A)(1).

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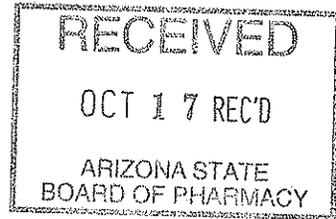
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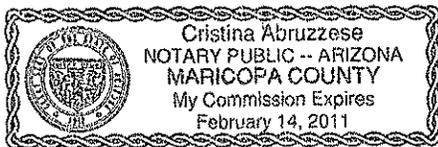
1 ACCEPTED AND AGREED BY RESPONDENT

2 *May God Bless You!*

3 *Todd Voss*
4 Todd Voss

Dated: 19 Oct 2008

5 Subscribed and sworn to before me in the County of Maricopa, State of Arizona
6 this 14th day of Oct, 2008, by Todd Voss.



7 *[Signature]*
8 NOTARY PUBLIC

9 My Commission expires: 02/14/11

10 **FINDINGS OF FACT**

- 11 1. The Board is the duly constituted authority for licensing and regulating the
- 12 practice of pharmacy in the State of Arizona.
- 13 2. Respondent is the holder of license number 12949 to practice as a
- 14 pharmacist in the State of Arizona.
- 15 3. During all relevant times to these findings, Respondent worked as a
- 16 pharmacist at Walgreens Pharmacy #6736 (the "Pharmacy") in Glendale, Arizona.
- 17 4. On December 20, 2007, the Pharmacy incorrectly filled a prescription for
- 18 hydrocodone 10/500 with hydrocodone 5/500.
- 19 5. Respondent verified the prescription, but failed to catch the error at
- 20 verification. Respondent was not working at the Pharmacy when the prescription was
- 21 picked up and did not do the counseling.
- 22 6. The complainant took the incorrect medication for a few weeks before
- 23 discovering the error.
- 24
- 25
- 26

1 **CONCLUSIONS OF LAW**

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

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

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

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

15 5. The conduct described above violated Arizona Administrative Code R4-23-
16 402(A)(11) (A pharmacist shall make a final accuracy check on the completed
17 prescription medication).

18 **ORDER**

19 Based upon the above Findings of Fact and Conclusions of Law, IT IS HEREBY
20 ORDERED THAT:

21 1. Respondent shall pay a civil penalty of \$500.00 within ninety (90) days of
22 the effective date of this Order.

23 2. Within six (6) months of the effective date of this Order, Respondent shall
24 successfully complete and provide proof of successful completion to the Board of eight
25 (8) contact hours (0.8 C.E.U.) of American Council on Pharmaceutical Education
26

1 (ACPE) courses. The courses shall be pre-approved by Board staff, shall be limited to
2 topics dealing with prescription error prevention, and shall be in addition to the
3 requirements of A.R.S. § 32-1936 and A.A.C. R4-23-204.

4 DATED this 18th day of November, 2008.

6 ARIZONA STATE BOARD OF PHARMACY

7 (Seal)

8
9 By: 
10 HAL WAND, R.Ph.
Executive Director

11 ORIGINAL OF THE FORGOING FILED
12 this 18 day of Novem., 2008, with:

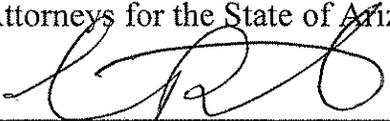
13 Arizona State Board of Pharmacy
14 1700 West Washington, Suite 250
Phoenix, Arizona 85007

15 EXECUTED COPY OF THE FOREGOING MAILED
16 BY CERTIFIED MAIL
this 18 day of Novem., 2008, to:

17 Todd Voss
18 6398 W. Behrend Dr.
Chandler, Arizona 85308
19 Respondent

20 EXECUTED COPY OF THE FOREGOING MAILED
this 18 day of Nov., 2008, to:

21 Elizabeth A. Campbell
22 Assistant Attorney General
1275 W. Washington Street, CIV/LES
Phoenix, Arizona 85007
23 Attorneys for the State of Arizona

24 

25 #218726

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