

1 **ARIZONA STATE BOARD OF PHARMACY**
2 **1700 W. Washington Street, Room 250**
3 **Phoenix, Arizona 85007**
4 **(602) 771-2727**

5 In the Matter of:

6 **ANGEL ROCHA,**

7 Holder of License No. T016771
8 as a Pharmacy Technician
9 In the State of Arizona

**FINDINGS OF FACT, CONCLUSIONS
of LAW and BOARD ORDER
No. 10-0034-PHR**

10
11 Pursuant to Notice of Hearing Number 10-0034-PHR (Notice) this matter came before
12 the Arizona State Board of Pharmacy (Board) on March 18, 2010.

13
14 Ridge Smidt, president, presided with members Zina Berry, JoAnne Galindo, Dennis
15 McAllister, Dan Milovich, Steve Haiber and Tom Van Hassel in attendance.

16
17 The State was represented by the Office of the Attorney General, Elizabeth Campbell,
18 Assistant Attorney General, Licensing and Enforcement Section. Christopher Munns, of the
19 Solicitor General's Section of the Attorney General's Office was present and available to
20 provide independent legal advice to the Board. Angel Rocha, (Respondent) was present and
21 was not represented by an attorney. The Board, after considering the testimony and evidence
22 presented, hereby issues the following Findings of Fact, Conclusions of Law, and Order.
23

24
25 **FINDINGS OF FACT**

26
27 1. At all times relevant to these findings, Respondent worked as a pharmacy
28 technician for Select Specialty Hospital in Scottsdale, Arizona (the "Pharmacy").
29

1 6. The conduct and circumstances described above constitute a violation of A.R.S.
2 § 32-1968(A) (“A prescription-only drug shall be dispensed only under one of the following
3 conditions:
4

5 (1) By a medical practitioner in conformance with A.R.S. § 32-1921;

6 (2) On a written prescription order bearing the prescribing medical practitioner’s
7 manual signature;

8 (3) On an electronically transmitted prescription order containing the prescribing
9 medical practitioner’s electronic or digital signature that is reduced promptly to writing and
10 filed by the pharmacist;

11 (4) On a written prescription order generated from electronic media containing the
12 prescribing medical practitioner’s electronic or manual signature. A prescription order that
13 contains only an electronic signature must be applied to paper that uses security features that
14 will ensure the prescription order is not subject to any form of copying or alteration;
15

16 (5) On an oral prescription order that is reduced promptly to writing and filed by the
17 pharmacist;

18 (6) By refilling any written, electronically transmitted or oral prescription order if a
19 refill is authorized by the prescriber either in the original prescription order, by an
20 electronically transmitted refill order that is documented promptly and filed by the pharmacist
21 or by an oral refill order that is documented promptly and filed by the pharmacist.”)

22
23 7. The conduct and circumstances described above constitute unprofessional
24 conduct pursuant to A.R.S. § 32-1901.01(C)(6) (“Committing a felony, whether or not
25 involving moral turpitude, or a misdemeanor involving moral turpitude or any drug- related
26 offense. In either case, conviction by a court of competent jurisdiction or a plea of no contest
27 is conclusive evidence of the commission.”).

1 DATED this 22nd day of March, 2010.

2
3 **ARIZONA STATE BOARD OF PHARMACY**

4
5 SEAL

6
7 

8 Hal Wand, R.Ph.
9 Executive Director

10 **COPIES** mailed this day of March, 2010

11 By Certified Mail Receipt No. 7008 0150 0003 1434 9876

12 to:

13
14 Angel Rocha
15 10425 N. 48th Dr.
16 Glendale, AZ 85302
17 Respondent

18 **COPIES** of the foregoing mailed this day of March, 2010, to:

19 Elizabeth Campbell, Assistant Attorney General

20 and

21 Christopher Munns, Assistant Attorney General, Solicitors Office

22 Both located at
23 1275 W. Washington
24 Phoenix, AZ 85007