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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 **SALLY SALKOWSKI,**

12 Holder of License No. S012837
As a Pharmacist
13 In the State of Arizona

Board Case No. 10-0038-PHR

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

14
15 In the interest of a prompt and judicious settlement of this case, consistent with the
16 public interest, statutory requirements and the responsibilities of the Arizona State Board
17 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Sally Salkowski
18 ("Respondent"), holder of Pharmacist License Number S012837 in the State of Arizona,
19 and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law
20 and Order ("Consent Agreement") as a final disposition of this matter.

21 **RECITALS**

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. 3664 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, she may not
25 revoke her 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. This Consent Agreement is subject to the approval of the Board and is
5 effective only when accepted by the Board and signed by the Executive Director. In the
6 event that the Board does not approve this Consent Agreement, it is withdrawn and shall
7 be of no evidentiary value and shall not be relied upon nor introduced in any action by
8 any party, except that the parties agree that should the Board reject this Consent
9 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the
10 Board was prejudiced by its review and discussion of this document or any records
11 relating thereto.

12 10. 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 11. Respondent understands that this Consent Agreement is a public record that
16 may be publicly disseminated as a formal action of the Board and may be reported as
17 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
18 Protection Data Bank.

19 12. Respondent understands that any violation of this Consent Agreement
20 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
21 1901.01(B)(20), -1927(A)(1).

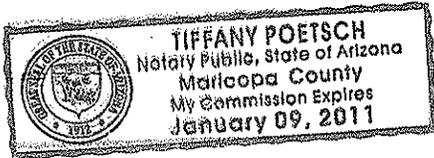
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23 ...
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26 ...

1 ACCEPTED AND AGREED BY RESPONDENT

2 Sally A. Salkowski
3 Sally Salkowski

Dated: 10-31-09

4 Subscribed and sworn to before me in the County of MARICOPA, State of ARIZONA,
5 this 5 day of NOVEMBER, 2009, by Sally Salkowski:



8 [Signature]

NOTARY PUBLIC

My Commission expires: January 09, 2011

9
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 S012837 to practice as a
14 pharmacist in the State of Arizona.

15 3. During all relevant times to these findings, Respondent worked as a staff
16 pharmacist at K-Mart Pharmacy #3707 (the "Pharmacy") in Lake Havasu City, Arizona.

17 4. In June 2008, Relief Pharmacist Robert Carranza incorrectly filled a
18 prescription for amitriptyline 10 mg with amitriptyline 100 mg. Relief Pharmacist
19 Carranza did not catch the error when he verified the prescription.

20 5. Pharmacist Carranza conveyed to Respondent that he had only partially
21 filled the prescription for amitriptyline because the Pharmacy did not have enough of the
22 10 mg strength. Respondent subsequently informed Pharmacist Carranza that there was
23 plenty of the 10 mg strength. According to Respondent, Pharmacist Carranza then stated:
24

25 "Oh, I wonder what I gave [patient]."
26

1 ORIGINAL OF THE FORGOING FILED
this 20 day of November, 2009, 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
this 20 day of November, 2009, to:

6 Sally Salkowski
7 3981 Powderhorn Drive
8 Lake Havasu City, Arizona 86404
Respondent

9 EXECUTED COPY OF THE FOREGOING MAILED
this 20 day of November, 2009, to:

10 Kenneth R. Baker
11 RENAUD COOK DRURY MESAROS, P.A.
12 Phelps Dodge Tower
13 One North Central, Suite 900
14 Phoenix, Arizona 85004
Attorney for Respondent

15 Elizabeth A. Campbell
16 Assistant Attorney General
17 1275 W. Washington Street, CIV/LES
18 Phoenix, Arizona 85007
Attorney for the Board

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