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

9 In the Matter of the Application of

Board Case No. 11-0042-PHR

10
11 **BRANDEE LYNN PROVO,**

**CONSENT AGREEMENT ORDER
REINSTATEMENT OF PHARMACY
TECHNICIAN LICENSE WITH
PROBATION**

12 For Reinstatement of Pharmacy
Technician License
13

14 **CONSENT AGREEMENT**

15 As Brandee Lynn Provo (“Ms. Provo”) has petitioned the Arizona State Board of
16 Pharmacy (the “Board”) for reinstatement of her pharmacy technician license and,
17 consistent with the public interest, statutory requirements and the responsibilities of the
18 Board under A.R.S. § 32-1901, *et. seq.*, the Board and Ms. Provo enter into the following
19 Recitals, Findings of Fact, Conclusions of Law and Order (“Consent Agreement”) for the
20 reinstatement of Ms. Provo’s Pharmacy Technician License No. T009151 with probation.

21 **RECITALS**

22 1. Ms. Provo 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. In the event the Board were to deny Ms. Provo's request to reinstate her
2 pharmacy technician license, Ms. Provo understands that she would have the right to a
3 public administrative hearing concerning the denial of her request to reinstate, at which
4 hearing she could present evidence and cross examine witnesses. By entering into this
5 Consent Agreement, Ms. Provo knowingly and voluntarily relinquishes all right to such
6 an administrative hearing, as well as rights of rehearing, review, reconsideration, appeal,
7 judicial review or any other administrative and/or judicial action, concerning the matters
8 set forth herein.

9 3. Ms. Provo affirmatively agrees that this Consent Agreement shall be
10 irrevocable.

11 4. Ms. Provo understands that this Consent Agreement or any part of the
12 agreement may be considered in any future disciplinary action by the Board against her.

13 5. Ms. Provo understands that this Consent Agreement does not constitute any
14 waiver, express or implied, of the Board's statutory authority or jurisdiction regarding
15 any other pending or future investigation, action or proceeding.

16 6. Ms. Provo also understands that acceptance of this Consent Agreement
17 does not preclude any other agency, subdivision, or officer of this State from instituting
18 any other civil or criminal proceedings with respect to the conduct that is the subject of
19 this Consent Agreement.

20 7. Ms. Provo acknowledges and agrees that, upon signing this Consent
21 Agreement and returning this document to the Board's Executive Director, she may not
22 revoke her acceptance of the Consent Agreement or make any modifications to the
23 document regardless of whether the Consent Agreement has been signed by the
24 Executive Director. Any modification to this original document is ineffective and void
25 unless mutually agreed by the parties in writing.

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FINDINGS OF FACT

1. The Board is the duly constituted authority for licensing and regulating the practice of pharmacy in the State of Arizona.
2. Ms. Provo was the holder of license number T009151 to practice as a pharmacy technician in the State of Arizona.
3. Effective September 2006, Ms. Provo surrendered her pharmacy technician license number T009151 in case number 07-0005-PHR (the "2006 Order"). In the 2006 Order, the Board determined that Ms. Provo had committed unprofessional conduct based upon a June 2006 drug test which was positive for cocaine and cannabinoids.
4. At the Board's March 2011 Board Meeting, Ms. Provo requested that the Board reinstate her license. The Board voted to reinstate Ms. Provo's license subject to certain conditions.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter and over Ms. Provo pursuant to A.R.S. § 32-1901 *et seq.*
2. A pharmacy technician who has had a license revoked or suspended shall not obtain a license as a pharmacy technician or pharmacy technician trainee without the approval of the Board. A.R.S. § 32-1927.01(T).
3. The Board may deny a pharmacy technician license based upon unprofessional conduct. A.R.S. § 32-1927.01(S).
4. The Board, having determined to its satisfaction that, despite the violations found in the 2006 Order, Ms. Provo currently meets the requirements for licensure as a pharmacy technician, subject to the terms of this Consent Agreement.

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1 **ORDER**

2 Based upon the above Findings of Fact and Conclusions of Law, IT IS HEREBY
3 ORDERED AS FOLLOWS:

4 1. Ms. Provo's License No. T009151 to practice as a pharmacy technician will
5 be REINSTATED upon completion of the following:

6 a. Submission of proof of completion of any continuing education due
7 under A.A.C. R4-23-1106;

8 b. Payment of any renewal fees due pursuant to A.R.S. § 32-1925; and

9 c. Submission of proof that her PTCB certification is current.

10 2. Ms. Provo's reinstated license is immediately placed on **PROBATION** for
11 **two (2) years**. During the term of **PROBATION**, Ms. Provo shall complete the
12 following terms and conditions:

13 a. Ms. Provo shall completely abstain from alcohol and all mood-
14 altering drugs except on prescription from Ms. Provo's treating physician.

15 b. Ms. Provo shall undergo random urinalysis testing by a testing
16 program approved by the Board or Board staff not less than two times per month
17 when not working in a pharmacy and not less than four times per months when
18 working in a pharmacy.¹ The urinalysis shall be a 12-panel screen. Ms. Provo
19 shall enroll in the testing program within 10 days of the effective date of this
20 Consent Agreement. Ms. Provo shall furnish the testing program with a copy of
21 this Board Order and shall authorize and require the testing program to submit test
22 results directly to the Board. In addition, Ms. Provo shall require the testing
23 program to immediately notify the Board of any failure by Ms. Provo to appear
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25 ¹ The Board hereby approves Treatment Assessment Screening Center ("TASC") as a testing facility. In the event
26 Ms. Provo wishes to enroll in a different testing program or change testing programs during the term of probation,
Ms. Provo must submit a written request to Board staff.

1 and be tested when requested to do so by the testing program. Ms. Provo's failure
2 to appear and be tested when requested to do so by the testing program is a
3 violation of this agreement.

4 c. Ms. Provo shall pay all necessary fees and complete all Continuing
5 Education requirements throughout the term of her probation to maintain
6 reinstated Pharmacy technician License No. T009151.

7 d. Ms. Provo shall furnish all pharmacy employers with a copy of this
8 Consent Agreement. Ms. Provo shall ensure that all pharmacy employers submit
9 to the Board a written acknowledgement that they have received a copy of this
10 Consent Agreement within ten (10) days of entering into an employment
11 relationship with Ms. Provo.

12 e. Ms. Provo shall advise the Board within ten (10) days of any change
13 in pharmacy employment status.

14 f. Throughout the term of Ms. Provo's probation, Ms. Provo shall
15 personally appear before the Board when requested to do so by the Board or Board
16 staff.

17 g. Ms. Provo shall obey all federal and state laws and rules governing
18 the practice of pharmacy technicians.

19 2. No sooner than two (2) years from the effective date of this Order, Ms.
20 Provo shall request in writing that the Board terminate her probation. Ms. Provo's
21 request for termination will be considered at a regularly scheduled Board meeting. Ms.
22 Provo is required to personally appear at that Board meeting. Ms. Provo's probationary
23 period will continue until Ms. Provo's request for termination is received and the Board
24 terminates the probation.

