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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 **ANDREA STUMP,**

12 Holder of License No. S018207  
For the Practice of Pharmacy  
13 In the State of Arizona

Board Case No. 12-0006-PHR

**CONSENT AGREEMENT  
AND ORDER OF PROBATION**

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.*, Andrea Stump ("Respondent"),  
18 holder of Pharmacist License Number S018207 in the State of Arizona, and the Board  
19 enter into the following Recitals, Findings of Fact, Conclusions of Law and Order  
20 ("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.  
25  
26

1           2.     Respondent understands that she has a right to a public administrative  
2 hearing concerning this matter at which hearing she could present evidence and cross  
3 examine witnesses. By entering into this Consent Agreement, Respondent knowingly  
4 and voluntarily relinquishes all right to such an administrative hearing, as well as rights  
5 of rehearing, review, reconsideration, appeal, judicial review or any other administrative  
6 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. 3967 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).

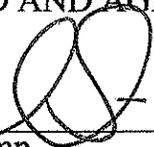
22 13. Respondent agrees that the Board will adopt the following Findings of Fact,  
23 Conclusions of Law and Order.

24 ...

25 ...

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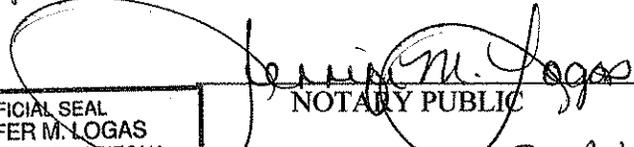
1 ACCEPTED AND AGREED BY RESPONDENT

2   
3 \_\_\_\_\_  
Andrea Stump

Dated: 8/27/11

4 Subscribed and sworn to before me in the County of Coconino, State of Arizona  
5 this 27<sup>th</sup> day of August, 2011, by Andrea Stump.



6   
7 \_\_\_\_\_  
NOTARY PUBLIC  
8 My Commission expires: Sept. 18, 2012

9 **FINDINGS OF FACT**

10 1. The Board is the duly constituted authority for licensing and regulating the  
11 practice of pharmacy in the State of Arizona.

12 2. Respondent is the holder of license number S018207 to practice as a  
13 pharmacist in the State of Arizona.

14 3. At all times relevant to these findings, Respondent worked as a pharmacist  
15 at Northern Arizona Healthcare in Flagstaff, Arizona (the "Pharmacy").

16 4. In May 2011, while working as a pharmacist at the Pharmacy, an individual  
17 asked Respondent to fill a prescription for Oxycontin 80 mg and a prescription for  
18 Oxycontin 40 mg. The individual presenting the prescriptions offered to pay Respondent  
19 \$400 to fill the prescriptions. Respondent denies receiving any money for filling the  
20 prescriptions.

21 5. Respondent personally filled both prescriptions. The prescription for  
22 Oxycontin 80 mg was picked up. That prescription had a price adjustment to \$10 on the  
23 prescription screen. The prescription for Oxycontin 40 mg was still on the will-call shelf  
24 when Respondent informed Pharmacy management of the matter. The Pharmacy  
25 subsequently terminated Respondent's employment.



1           A.     No sooner than three (3) years from the beginning of Respondent's  
2 probationary period, Respondent shall request in writing that the Board terminate  
3 her probation. Respondent's request for termination will be considered at a  
4 regularly scheduled Board meeting. Respondent is required to personally appear  
5 at that Board meeting. Respondent's probationary period will continue until  
6 Respondent's request for termination is received and the Board terminates the  
7 probation.

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

13           C.     Respondent shall not serve as a preceptor pharmacist or pharmacist  
14 in charge.

15           D.     Respondent shall advise the Board within ten (10) days of any  
16 change in pharmacy employment status.

17           E.     Respondent shall pay all necessary fees and complete all continuing  
18 education requirements throughout the term of her probation.

19           F.     Throughout the term of Respondent's probation, Respondent shall  
20 personally appear before the Board when requested to do so by the Board or Board  
21 staff.

22           G.     Respondent shall furnish the Board with a list of all jurisdictions in  
23 which she maintains or has maintained licensure in the profession of pharmacy  
24 along with the registration numbers of said licenses.

1 H. Respondent shall obey all federal and state laws and rules governing  
2 the practice of pharmacy.

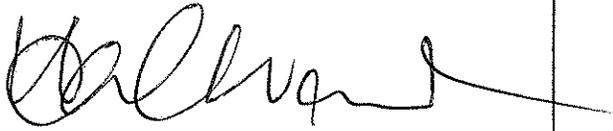
3 4. Respondent shall pay all costs associated with complying with this Consent  
4 Agreement.

5 5. If Respondent violates this Order in any way or fails to fulfill the  
6 requirements of this Order, the Board, after giving the Respondent notice and the  
7 opportunity to be heard, may revoke, suspend or take other disciplinary actions against  
8 Respondent's license. The issue at such a hearing will be limited solely to whether this  
9 Order has been violated.

10  
11 DATED this 27<sup>th</sup> day of September, 2011.

12 ARIZONA STATE BOARD OF PHARMACY

13 (Seal)

14  
15 By:   
16 HAL WAND, R.Ph.  
17 Executive Director  
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