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8

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

10 In the Matter of

Board Case No. 12-0018-PHR

11 **THOMAS COPPOLA,**

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

12 Holder of License No. S017161
As a Pharmacist
13 In the State of Arizona
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.*, Thomas Coppola
18 ("Respondent"), holder of Pharmacist License Number S017161 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.

25 2. Respondent understands that he has a right to a public administrative
26 hearing concerning this matter at which hearing he could present evidence and cross

1 examine witnesses. By entering into this Consent Agreement, Respondent knowingly
2 and voluntarily relinquishes all right to such an administrative hearing, as well as rights
3 of rehearing, review, reconsideration, appeal, judicial review or any other administrative
4 and/or judicial action, concerning the matters set forth herein.

5 3. Respondent affirmatively agrees that this Consent Agreement shall be
6 irrevocable.

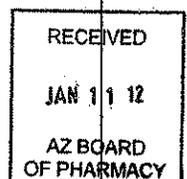
7 4. Respondent understands that this Consent Agreement or any part of the
8 agreement may be considered in any future disciplinary action by the Board against him.

9 5. Respondent understands this Consent Agreement deals with Board
10 Complaint No. 4004 involving allegations of unprofessional conduct against Respondent.
11 The investigation into these allegations against Respondent shall be concluded upon the
12 Board's adoption of this Consent Agreement.

13 6. Respondent understands that this Consent Agreement does not constitute a
14 dismissal or resolution of any other matters currently pending before the Board, if any,
15 and does not constitute any waiver, express or implied, of the Board's statutory authority
16 or jurisdiction regarding any other pending or future investigation, action or proceeding.

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

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



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

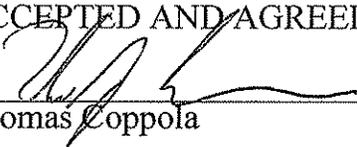
9 10. If a court of competent jurisdiction rules that any part of this Consent
10 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
11 shall remain in full force and effect.

12 11. 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 12. 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) and A.R.S. § - 1927(A) (1).

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

21 ACCEPTED AND AGREED BY RESPONDENT

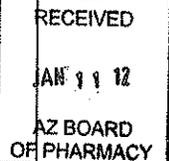
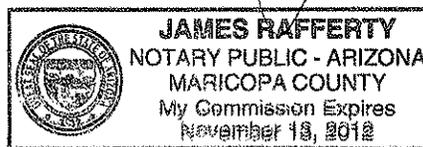
22 
23 Thomas Coppola

Dated: _____

24 Subscribed and sworn to before me in the County of Maricopa, State of AZ
25 this 9 day of Jan, ~~2011~~, by Thomas Coppola.
26 2012

My Commission expires: 1/13/12


NOTARY PUBLIC



1 FINDINGS OF FACT

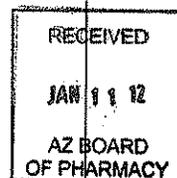
2 1. The Board is the duly constituted authority for licensing and regulating the
3 practice of pharmacy in the State of Arizona.

4 2. Respondent is the holder of license number S017161 to practice as a
5 pharmacist in the State of Arizona.

6 3. During all relevant times to these findings, Respondent worked a
7 pharmacist at Fry's Pharmacy # 674 (the "Pharmacy") located in Surprise, Arizona.

8 4. On or about June 4, 2011, a patient had a prescription for Hyoscyamine
9 0.125 mg oral disintegrating tablets incorrectly filled with Hyoscyamine 0.125 mg
10 sublingual tablets at the Pharmacy.
11

12 5. Respondent was the pharmacist on duty at the Pharmacy when the
13 medication was dispensed and did not recognize the error during verification.
14



15 CONCLUSIONS OF LAW

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

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

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

24 4. The conduct described above violated Arizona Administrative Code R4-23-
25 402(A)(10)(b) (in dispensing a prescription medication from a prescription order, a
26

1 pharmacist shall check prescription order data entry to ensure that the data input is for the
2 correct drug by verifying the drug name, strength, and dosage form).

3 5. The conduct described above violated Arizona Administrative Code R4-23-
4 402(A) (1) (c) (in dispensing a prescription medication from a prescription order, a
5 pharmacist shall ensure that a prescription order dispensed by a pharmacist includes the
6 (correct) drug name, strength and dosage form).

7 **ORDER**

8 Based upon the above Findings of Fact and Conclusions of Law, IT IS HEREBY
9 ORDERED THAT Respondent shall:

10 1. Pay a civil penalty of \$500.00 within **90 days** of the effective date of this
11 Order; and

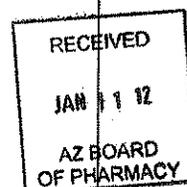
12 2. Successfully complete and provide proof of successful completion to the
13 Board of eight (8) contact hours (0.8 C.E.U.) of American Council on Pharmaceutical
14 Education course(s) on the topic of error prevention. The required course(s) must be
15 completed within **180 days** of the effective date of this Order, must be pre-approved by
16 Board staff, and shall be in addition to the requirements of A.R.S. § 32-1936 and A.A.C.
17 R4-23-204.

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

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

25 ///

26 ///



1 DATED this 26 day of JAN, 2012

2 ARIZONA STATE BOARD OF PHARMACY

3 (Seal)

4 By:



5 HAL WAND, R.Ph.
6 Executive Director

7 ORIGINAL OF THE FOREGOING FILED
8 this 26 day of JAN, 2012 with:

9 Arizona State Board of Pharmacy
10 1700 West Washington, Suite 250
11 Phoenix, Arizona 85007

12 EXECUTED COPY OF THE FOREGOING MAILED
13 BY CERTIFIED MAIL
14 this 26 day of JAN, 2012 to:

15 Thomas Coppola
16 4043 W. Desert Hollow Dr.
17 Phoenix, Arizona 85083
18 Respondent



19 EXECUTED COPY OF THE FOREGOING MAILED
20 this 26 day of JAN, 2012 to:

21 Montgomery Lee
22 Assistant Attorney General
23 1275 W. Washington Street, CIV/LES
24 Phoenix, Arizona 85007
25 Attorney for the Board

26 TLP 1-26-12
ML: yfl - #2424916