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DEC 12 2011

AZ BOARD OF PHARMACY

7 Attorneys for the Arizona State Board of Pharmacy

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

9 In the Matter of

10 **ABIGAIL WHITE,**
11
12 Holder of License No. S016280
To Practice as a Pharmacist in the State of
13 Arizona

Board Case No. 12-0020-PHR

**CONSENT AGREEMENT
AND ORDER FOR SUSPENSION
AND PROBATION**

14 In the interest of a prompt and judicious settlement of this case, consistent with the
15 public interest, statutory requirements and the responsibilities of the Arizona State Board
16 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Abigail White ("Respondent"),
17 holder of Pharmacist License Number S016280 in the State of Arizona, and the Board
18 enter into the following Recitals, Findings of Fact, Conclusions of Law and Order
19 ("Consent Agreement") as a final disposition of this matter.

20 **RECITALS**

21 1. Respondent has read and understands this Consent Agreement and has had
22 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
23 opportunity to discuss this Consent Agreement with an attorney.

24 2. Respondent understands that she has a right to a public administrative
25 hearing concerning this matter at which hearing she could present evidence and cross
26 examine witnesses. By entering into this Consent Agreement, Respondent knowingly

1 and voluntarily relinquishes all right to such an administrative hearing, as well as rights
2 of rehearing, review, reconsideration, appeal, judicial review or any other administrative
3 and/or judicial action, concerning the matters set forth herein.

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

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

8 5. Respondent understands this Consent Agreement deals with Board
9 complaint number 4024 involving allegations of unprofessional conduct against
10 Respondent. The investigation into these allegations against Respondent shall be
11 concluded upon the Board's adoption of this Consent Agreement.

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

16 7. Respondent 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 8. Respondent 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.
26

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), -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

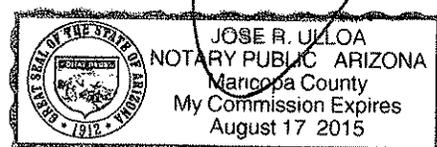
22 Abigail White
23 Abigail White

Dated: 12.6.11

24 Subscribed and sworn to before me in the County of maricopa, State of
25 ARIZONA, this 6TH day of DECEMBER 2011, by Abigail White.

26 My Commission expires: 8/17/15

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 S016280 to practice as a
5 pharmacist in the State of Arizona.

6 3. At all times relevant to these findings, Respondent worked as a pharmacist
7 at Walgreen's #3397 in Phoenix, Arizona.

8 4. In June 2010, Respondent admitted to diverting approximately 260 tablets
9 of vicodin in 13 incidents at various Walgreen's location in the Phoenix area in 2009 and
10 2010.

11 5. During July 2011 Respondent contacted Pharmacists Assisting Pharmacists
12 of Arizona ("PAPA") and was advised to report the pending criminal charges filed
13 against her arising from her diversion of vicodin. In July and August 2011 Respondent
14 completed a 30 day inpatient treatment program at Chandler Valley Hope and signed a
15 PAPA agreement as a confidential member.

16 6. In October 2011 Respondent was convicted of two counts of Facilitation to
17 Acquire Narcotic Drugs by Fraud, class 6 felonies in Maricopa County Superior Court
18 Case No. 2011-107318-001 SE. Respondent was sentenced to serve 6 months in jail
19 beginning September 12, 2012 and was placed on probation for three years on each count
20 effective October 14, 2011.

21 7. On October 24, 2011, Respondent reported the information regarding her
22 diversion and criminal conviction to the Board.

23 CONCLUSIONS OF LAW

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

1 Failure to participate in the PAPA program, complete the PAPA program or to
2 abide by the PAPA contract's terms is a violation of this Order.

3 2. Respondent's Pharmacists License No. S016280 is placed on
4 **PROBATION** for a period of five (5) years. Respondent's probation is subject to the
5 following conditions:

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

13 B. Respondent shall continue to comply with the terms of her PAPA
14 contract.

15 C. Respondent shall furnish all pharmacy employers with a copy of this
16 Consent Agreement. Respondent shall ensure that all pharmacy employers submit
17 to the Board a written acknowledgement that they have received a copy of this
18 Consent Agreement within ten (10) days of entering into an employment
19 relationship with Respondent.

20 D. Respondent shall not serve as a preceptor pharmacist or pharmacist
21 in charge.

22 E. Respondent shall advise the Board within ten (10) days of any
23 change in pharmacy employment status.

24 3. Respondent shall pay all necessary fees and complete all continuing
25 education requirements throughout the term of his suspension and probation.
26

1 4. Throughout the term of Respondent's suspension and probation,
2 Respondent shall personally appear before the Board when requested to do so by the
3 Board or Board staff.

4 5. Respondent shall furnish the Board with a list of all jurisdictions in which
5 she maintains or has maintained licensure in the profession of pharmacy along with the
6 registration numbers of said licenses.

7 6. Respondent shall obey all federal and state laws and rules governing the
8 practice of pharmacy.

9 7. Respondent shall execute all appropriate release of information forms to
10 permit the Respondent's treatment professionals and PAPA to communicate with the
11 Board regarding Respondent's treatment.

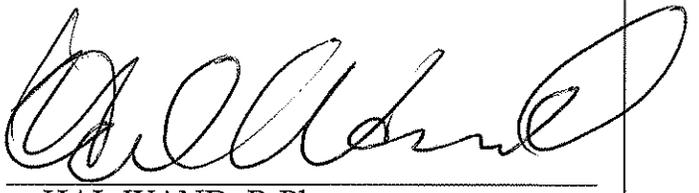
12 8. Respondent shall pay all costs associated with complying with this Consent
13 Agreement, including all expenses associated with PAPA.

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

19 DATED this 20 day of JANUARY 2012

20 ARIZONA STATE BOARD OF PHARMACY

21 (Seal)

22
23 By: 
24 HAL WAND, R.Ph.
Executive Director

25 ///

26 ///

1 ORIGINAL OF THE FORGOING FILED
this 26 day of JAN 2012 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 FIRST-CLASS and CERTIFIED MAIL
this 26 day of JAN 2012 to:

6 Abigail White
7 9436 S. 47th Place
8 Phoenix, Arizona 85044
Respondent

9 EXECUTED COPY OF THE FOREGOING MAILED
this 26 day of JAN 2012 to:

10 Montgomery Lee
11 Assistant Attorney General
12 1275 W. Washington Street, CIV/LES
13 Phoenix, Arizona 85007
Attorney for the Board

14 TWP 01-26-2012

15 ML: yfl - #2424884

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