

FEB 25 2013

Arizona State Board of Pharmacy

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

10
11 In the Matter of

Board Case No. 13-0003-PHR

12 **ABIGAIL WHITE,**

**CONSENT AGREEMENT
AND ORDER FOR PROBATION**

13 Holder of License No. S016280
14 To Practice as a Pharmacist in the State of
Arizona

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.*, Abigail White ("Respondent"),
18 holder of Pharmacist License Number S016280 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

22 **RECITALS**

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

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

8 3. Respondent affirmatively agrees that this Consent Agreement shall be
9 irrevocable.
10

11 4. Respondent 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. Respondent understands this Consent Agreement deals with Board
14 complaint number 4157 involving allegations of unprofessional conduct against
15 Respondent. The investigation into these allegations against Respondent shall be
16 concluded upon the Board's adoption of this Consent Agreement.
17

18 6. Respondent understands that this Consent Agreement does not constitute a
19 dismissal or resolution of any other matters currently pending before the Board, if any,
20 and does not constitute any waiver, express or implied, of the Board's statutory authority
21 or jurisdiction regarding any other pending or future investigation, action or proceeding.
22

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

1 8. Respondent acknowledges and agrees that, upon signing this Consent
2 Agreement and returning this document to the Board's Executive Director, she may not
3 revoke her acceptance of the Consent Agreement or make any modifications to the
4 document regardless of whether the Consent Agreement has been signed by the
5 Executive Director. Any modification to this original document is ineffective and void
6 unless mutually agreed by the parties in writing.
7

8 9. This Consent Agreement is subject to the approval of the Board and is
9 effective only when accepted by the Board and signed by the Executive Director. In the
10 event that the Board does not approve this Consent Agreement, it is withdrawn and shall
11 be of no evidentiary value and shall not be relied upon nor introduced in any action by
12 any party, except that the parties agree that should the Board reject this Consent
13 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the
14 Board was prejudiced by its review and discussion of this document or any records
15 relating thereto.
16

17 10. If a court of competent jurisdiction rules that any part of this Consent
18 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
19 shall remain in full force and effect.
20

21 11. Respondent understands that this Consent Agreement is a public record that
22 may be publicly disseminated as a formal action of the Board and may be reported as
23 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
24 Protection Data Bank.
25
26

1 12. Respondent understands that any violation of this Consent Agreement
2 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
3 1901.01(B) (20), -1927(A) (1).

4 13. Respondent agrees that the Board will adopt the following Findings of Fact,
5 Conclusions of Law and Order.
6

7 ACCEPTED AND AGREED BY RESPONDENT

8 Abigail White
9 Abigail White

Dated: 2/19/13

10 Subscribed and sworn to before me in the County of Maricopa, State of
Arizona, this 19 day of Feb, 2012, by Abigail White.
2013

11
12 [Signature]
NOTARY PUBLIC

13 My Commission expires: _

14 Mar 18, 2013

FINDINGS OF FACT

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

17 2. Respondent is the holder of license number S016280 to practice as a
18 pharmacist in the State of Arizona.
19

20 3. Respondent entered into a Consent Agreement with the Board resulting in
21 Respondent's license being suspended for thirty (30) days from August 1, 2011 to August
22 30, 2011 and placed on probation for five (5) years subject to complying with a PAPA
23 agreement during the length of the probation.
24

25 4. In September 2012, Respondent admitted consuming alcohol in violation of
26 the PAPA agreement and her Consent Agreement with the Board.

1 at that Board meeting. Respondent's probationary period will continue until
2 Respondent's request for termination is received and the Board terminates the
3 probation.

4 B. Respondent shall continue to comply with the terms of the PAPA
5 contract she signed on October 26, 2012 and shall abide by each and every
6 requirement of that agreement. Failure to participate in the PAPA program,
7 complete the PAPA program or to abide by the PAPA contract's terms is a
8 violation of this Order.

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

14 D. Respondent shall not serve as a preceptor pharmacist or pharmacist
15 in charge.

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

18 3. Respondent shall pay all necessary fees and complete all continuing
19 education requirements throughout the term of his suspension and probation.
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21 4. Throughout the term of Respondent's probation, Respondent shall
22 personally appear before the Board when requested to do so by the Board or Board staff.
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ORIGINAL OF THE FORGOING FILED
this MAR 26 2013 with:

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

EXECUTED COPY OF THE FOREGOING MAILED
BY FIRST-CLASS and CERTIFIED MAIL
this MAR 26 2013 to:

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

EXECUTED COPY OF THE FOREGOING MAILED
this MAR 26 2013 to:

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

ML: 2943290