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

10
11 In the Matter of

12 **Kathryn A. Daley,**

13 Holder of License No. T010951
As a Pharmacy Technician
14 In the State of Arizona

Board Case No. 14-0001-PHR

**CONSENT AGREEMENT
AND ORDER FOR REVOCATION
OF LICENSE**

15
16 In the interest of a prompt and judicious settlement of this case, consistent with the
17 public interest, statutory requirements and the responsibilities of the Arizona State Board
18 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Kathryn A. Daley
19 ("Respondent"), holder of Pharmacy Technician License Number T010951 in the State of
20 Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions
21 of Law and Order ("Consent Agreement") as a final disposition of this matter.

22 **RECITALS**

23 1. Respondent has read and understands this Consent Agreement and has had
24 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
25 opportunity to discuss this Consent Agreement with an attorney.
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 number 4240 involving allegations of unprofessional conduct against
13 Respondent. The investigation into these allegations against Respondent shall be
14 concluded upon the 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.

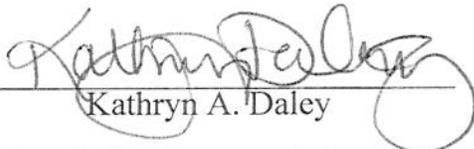
15 11. Respondent understands that this Consent Agreement is a public record that
16 may be publicly disseminated as a formal action of the Board and may be reported as
17 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
18 Protection Data Bank.

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(C) (16), -1927.01(A) (1).

22 13. Respondent agrees that the Board will adopt the following Findings of Fact,
23 Conclusions of Law and Order.
24
25
26

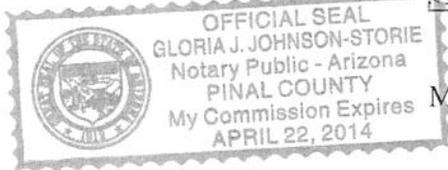
1 ACCEPTED AND AGREED BY RESPONDENT

2 2013 OCT 4 AM 10 14

3 
Kathryn A. Daley

Dated: 10/03/2013

4 Subscribed and sworn to before me in the County of Pinal, State of Arizona,
5 this 3rd day of October, 2013, by Kathryn A. Daley.




NOTARY PUBLIC

My Commission expires: 4-22-2014

10 **FINDINGS OF FACT**

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

13 2. Respondent is the holder of license number T010951 to practice as a
14 pharmacy technician in the State of Arizona.

15 3. During all relevant times to these findings, Respondent worked as a
16 pharmacy technician at Safeway Pharmacy #1717 located at 1902 W. Main Street, Mesa,
17 Arizona (the "Pharmacy").
18

19 4. On or about July 25, 2013 during an investigation of theft of controlled
20 substances at the Pharmacy Respondent was interviewed and admitted that she took
21 various quantities of Hydrocodone, Phentermine, Clonazepam, Alprazolam and
22 Promethazine from the Pharmacy stock shelves without a valid prescription and without
23 paying for the medication. Safeway Pharmacy personnel conducted an inventory of
24
25
26

1 missing drugs at the Pharmacy and determined that over 4500 tablets valued at cost of
2 \$827.00 were missing.

3
4 **CONCLUSIONS OF LAW**

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

7 2. The Board may discipline a pharmacy technician who has engaged in
8 unprofessional conduct. A.R.S. § 32-1927.01(A) (1).

9 3. The conduct and circumstances described above constitutes unprofessional
10 conduct pursuant to A.R.S. § 32-1901.01(C) (2) (Violating a federal or state law or
11 administrative rule relating to the manufacture or distribution of drugs or devices).

12 4. The conduct and circumstances described above constitutes unprofessional
13 conduct pursuant to A.R.S. § 32-1901.01 (C) (6) (Committing a felony, whether or not
14 involving moral turpitude, or a misdemeanor involving moral turpitude or any drug
15 related offense).

16 5. The conduct and circumstances described above constitutes a violation of
17 A.R.S. § 32-1968 (A) (A prescription-only drug shall be dispensed only on a written or
18 electronically transmitted prescription from a licensed medical practitioner).

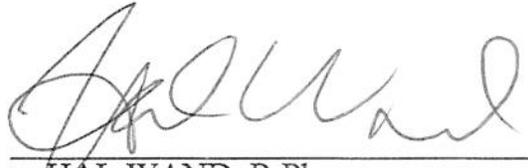
19
20 **ORDER**

21 Based upon the above Findings of Fact and Conclusions of Law above, the Board
22 hereby enters its order revoking Respondent's Pharmacy Technician License No.
23 T010951. Respondent may not apply for reinstatement of this license and may not apply
24 for any other license or permit from the Board for two (2) years from the effective date of
25 this Consent Agreement.
26

1 DATED this 7 day of NOV., 2013.

3 ARIZONA STATE BOARD OF PHARMACY

4 (Seal)

5
6 By: 
7 HAL WAND, R.Ph.
8 Executive Director

9 ORIGINAL OF THE FORGOING FILED
10 this 7 day of NOV., 2013, with:

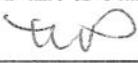
11 Arizona State Board of Pharmacy
12 1616 W. Adams Street
13 Phoenix, Arizona 85007

14 EXECUTED COPY OF THE FOREGOING MAILED
15 BY CERTIFIED MAIL
16 this 7 day of NOV., 2013, to:

17 Kathryn A. Daley
18 904 N. Picacho
19 Casa Grande, Arizona 85122
20 Respondent

21 EXECUTED COPY OF THE FOREGOING MAILED
22 this 7 day of NOV., 2013, to:

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

28 
29 _____
30 Doc # 3554276