

BEFORE THE COLORADO STATE BOARD OF PHARMACY

Case Nos. 2018-0649 and 2018-1398

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF DISCIPLINARY PROCEEDINGS REGARDING THE LICENSE TO PRACTICE PHARMACY IN THE STATE OF COLORADO OF DONNA MARIE SHERWOOD, R. Ph., LICENSE NO. PHA.0014671

Respondent,

IT IS HEREBY STIPULATED by and between the Colorado State Board of Pharmacy ("Board"), and Donna Marie Sherwood, R.Ph. ("Respondent") as follows:

1. The Board has jurisdiction over Respondent, her license to practice pharmacy, and the subject matter of this Stipulation and Final Agency Order ("Final Agency Order") pursuant to provisions of the Pharmacists, Pharmacy Business, and Pharmaceuticals Act at Title 12, Article 42,5, C.R.S. (2016).
2. Respondent was originally licensed to practice as a pharmacist in the State of Colorado on or about May 22, 1996, being issued license number PHA 15052.
3. Respondent admits these findings and hereby waives any further proof in this or any other proceeding before the Board regarding the following facts.
4. Respondent was the pharmacist manager of Ridgway Pharmacy, PDO 550.
5. Ridgway Pharmacy ceased to maintain minimum hours of operation beginning on or about January 17, 2018.
6. Respondent failed to comply with closure requirements as set forth in Board Rule 5.00.60 and 5.01.40(a).
7. Respondent admits that her conduct as set forth above constitutes violations of §§ 12.42.5-123(1)(c) and (o), C.R.S., and Board Rules 5.00.60 and 5.01.40(a), 3 CCR 719-1 and provides grounds for disciplinary action against Respondent's pharmacy license.

DISPOSITION

8. **Letter of Admonition.** This Final Agency Order shall constitute a Letter of Admonition as set forth in § 12-42.5-124(6)(b) and (c), C.R.S. The Board hereby admonishes Respondent for the acts and omissions described in paragraphs 5 -17 above and cautions against future repetition of the same or similar conduct.

9. **Waiver of Right to Contest.** By entering into this Final Agency Order, Respondent agrees to waive the right provided by § 12-42.5-124(6)(b) and (c), C.R.S., to contest this Letter of Admonition.

10. **Other Requirements.** Respondent acknowledges and agrees that, as a condition of this Final Agency Order, Respondent shall:

- a. Comply fully with this Final Agency Order; and
- b. Comply fully with the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act, all Board rules and regulations, and any other state and federal laws and regulations related to pharmaceuticals and pharmacists in the State of Colorado.

11. **Violations.** It is the responsibility of Respondent to take all appropriate steps to comply fully with this Final Agency Order. Respondent acknowledges and agrees that any violation of this Final Agency Order shall constitute a willful violation of a lawful Board order, and may be sanctioned as provided under § 12-42.5-124(4), C.R.S. If Respondent is found in violation of this Final Agency Order, Respondent's license shall be revoked. The pendency of any suspension or disciplinary action arising out of an alleged violation of this Final Agency Order shall not affect the obligation of Respondent to comply with all terms and conditions of this Final Agency Order.

12. **Advisements and Waivers.** Respondent enters into this Final Agency Order freely and voluntarily, after having the opportunity to consult with legal counsel and/or choosing not to do so. Respondent acknowledges her understanding that she has the following rights:

- a. To have a formal notice of hearing and charges served upon her;
- b. To respond to said formal notice of charges;
- c. To have a formal disciplinary hearing pursuant to § 12-42.5-123 and 12-42.5-124, C.R.S.; and
- d. To appeal this Board order.

Respondent freely **waives** these rights, and acknowledges that such waiver is made voluntarily in consideration for the Board's limiting the action taken against her to the sanctions imposed herein.

13. **Acknowledgments.** Respondent has read this Final Agency Order in its entirety and acknowledges, after having the opportunity to consult with legal counsel and/or choosing not to do so, that Respondent understands the legal consequences and agrees that none of the terms or conditions herein is unconscionable. Respondent is not relying on any statements, promises or representations from the Board other than as may be contained in this Final Agency Order. Respondent further acknowledges that she is not entering into this Final Agency Order under any duress.

14. **Integration and Severability.** Upon execution by all parties, this Final Agency Order shall represent the entire final agreement of and between the parties in this case. In the event any provision of this Final Agency Order is deemed invalid or unenforceable by a court of law, it shall be severed and the remaining provisions of this Final Agency Order shall be given full force and effect.

15. **Public Record.** Upon execution by all parties, this Final Agency Order shall be a public record, maintained in the custody of the Board.

16. **Board Order.** This Final Agency Order shall become an order of the Board when it is accepted and signed by the Program Director or authorized Board representative.

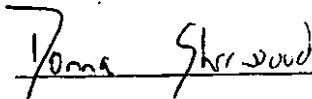
17. **Effective Date.** This Final Agency Order shall become effective upon (a) mailing by first-class mail to Respondent at Respondent's address of record with the Board, or (b) service by electronic means on Respondent. Respondent hereby consents to service by electronic means if Respondent has an electronic address on file with the Board.

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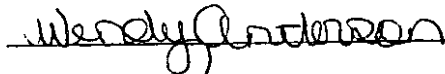
AGREED TO AND ACCEPTED BY:

RESPONDENT

STATE BOARD OF PHARMACY



Donna Marie Sherwood, R.Ph.



Wendy Anderson
Program Director

Dated: 5-22-18

Dated: 5-23-18

APPROVED AS TO FORM:

CYNTHIA H. COFFMAN
Attorney General



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