

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:

CVS Pharmacy
(Permit No. 6703)

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**CONSENT ORDER OF
DISCIPLINE**

THIS MATTER came on to be considered at a prehearing conference (hereinafter, "Conference") before a member of the North Carolina Board of Pharmacy (hereinafter, "Board") pursuant to 21 N.C.A.C. 46.2008. This Conference was scheduled for March 26, 2007 and, after appropriate notice, was heard on that day by Board member Robert McLaughlin, Jr. at the offices the Board. The Respondent CVS Pharmacy (Permit No. 6703) (hereinafter, "Respondent" or "CVS") Pharmacist Manager Richard Mack (License No. 7082), Andy Stoker, CVS Pharmacy Supervisor, were present and CVS was represented by counsel George G. Hearn. Counsel Alexander Elkan represented the Board. Members of the Board's investigative staff were also present at the Conference.

CVS has agreed to waive a formal hearing in the above-referenced matter. Both parties stipulate and agree to the findings of fact and conclusions of law recited herein and to the order of discipline imposed. By its consent, CVS also stipulates that it waives its right to appeal this Consent Order or challenge in any way the sufficiency of the findings of this Order. Based upon the consent of the parties, the Board hereby enters the following:

FINDINGS OF FACT

1. The North Carolina Board of Pharmacy is a body duly organized under the laws of North Carolina and is the proper body for this proceeding under the authority granted it in

Chapter 90 of the General Statutes of North Carolina, and the rules and regulations promulgated thereunder.

2. Respondent CVS is, and was at all relevant times referred to herein, the holder of Pharmacy Permit No. 6703 and located at 845-M Blowing Rock Blvd, Lenoir, North Carolina (the "Pharmacy"), and CVS, the Pharmacy, and its employees were subject to the rules and regulations of the North Carolina Board of Pharmacy and the laws of the State of North Carolina.

3. On April 7, 2006, Pharmacist Richard Mack (License No. 7082) (hereinafter, "Mack") who was employed by CVS as the pharmacist manager of the Pharmacy erroneously dispensed from the Pharmacy to a client Methotrexate, where the prescription called for Metolazone.

4. On April 7, 2006, more than two Pharmacy Technicians were working at the Pharmacy under the supervision of one Pharmacist.

5. On April 7, 2006, neither the Pharmacy nor Mack had applied for, nor obtained, permission from the Board to have more than two Pharmacy Technicians working at the Pharmacy under the supervision of one Pharmacist.

6. Mack testified that the prescription in question was misread and misfilled and he was not aware of how the error occurred.

CONCLUSIONS OF LAW

1. All parties are properly before the Board, and the Board has jurisdiction over Mack and the Pharmacy, and the subject matter of this proceeding.

2. The conduct of CVS, as set out in the findings of fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 90-85.38.

CONCLUSIONS REGARDING DISCIPLINE

Based upon the foregoing Findings of Fact and Conclusions of Law, and with the consent of Respondent Mack, the Board enters the following:

CONSENT ORDER OF DISCIPLINE

Respondent CVS, Permit No. 6703, is hereby formally reprimanded by the Board for its conduct as set forth in this Consent Order.

This the 19th day of June, 2007.

NORTH CAROLINA BOARD OF PHARMACY

By:



Jack W. Campbell, IV
Executive Director

CVS Pharmacy, the holder of permit number 6703, has full knowledge that it has the right to a formal hearing, at which it would have the right to be represented at its expense by counsel, in this matter. The undersigned freely, knowingly and voluntarily waives such right by entering into this Consent Order.

The undersigned understands and agrees that by entering into this Consent Order, it certifies that it has read the foregoing Consent Order and that it voluntarily consents to the terms and conditions set forth therein and relinquishes any right to judicial review of Board actions which may be taken concerning this matter.

The undersigned further understands that should it violate the terms and conditions of this Consent Order, the Board may take additional disciplinary action.

The undersigned understands and agrees that this Consent Order will not become effective unless and until approved by the Board.

The undersigned understands that it has the right to have counsel of its choice review and advise it with respect to its rights and this Consent Order, and represents that it enters this Consent Order after consultation with its counsel or after knowingly and voluntarily choosing not to consult with counsel.

ACCEPTED AND CONSENTED TO BY:

CVS PHARMACY (Permit No. 6703)

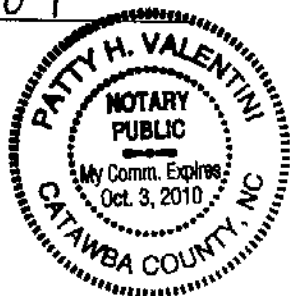
CVS Pharmacy Date 5-15-07
By: Andy Stoker
Title: Pharmacy Supervisor

NORTH CAROLINA

Catawba COUNTY

I, the undersigned Notary Public of the County and State aforesaid, do hereby certify that the following person(s) personally appeared before me this day, and each acknowledged the due execution of the foregoing document: Andy Stoker

Date: 5/15/07



Patty H. Valentini
Notary Public
Patty H. Valentini

My commission expires: 10/03/2010

REJECTED BY:

CVS PHARMACY (Permit No. 6703)

_____ Date _____

By: _____

Title: _____