

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter Of:

Rena A. Bausley)
(License No. 13635))

and)

CVS/pharmacy)
(Permit No. 7162))

CONSENT ORDER

This matter is before the North Carolina Board of Pharmacy (the Board), pursuant to 21 North Carolina Administrative Code 46.2008, and with the consent of Rena A. Bausley (Respondent Pharmacist) and CVS/pharmacy, Permit #7162 (Respondent Pharmacy) to consider the entry of a Consent Order in lieu of an Administrative hearing.

Respondent Pharmacy, represented by CVS Regional Healthcare Manager Mike Cauthen, met with Board member L. Stan Haywood and Board staff in a pre-hearing conference on February 28, 2001, at the Board's office, 22 South Main Ave., Suite 102, Newton, NC. Respondent Pharmacist attended the conference via telephone communications. At that conference, Board Investigator Ken Wilkins summarized the findings of his investigation into a complaint filed by Catherine Winchester. Based on the information supplied by Mr. Wilkins and statements by the Respondents, the Board makes the following:

FINDINGS OF FACT

1. License #13635 was issued to Respondent Pharmacist on September 17, 1996, and renewed through the current year. Permit #7162 was issued to Respondent Pharmacy on July 20, 1998, and renewed through the current year.
2. At all times relevant to this Order, Respondent Pharmacist was engaged in the practice of pharmacy at Respondent Pharmacy, which is located at 3440 Wilkinson Blvd., Charlotte, NC, 28208.
3. On February 16, 2000, Respondent Pharmacist dispensed Isosorbide 60mg to Susan Hemphill, mother of the complainant, on a prescription order for Isosorbide 30mgs.
4. Patient Hemphill did not ingest any of the incorrect medication.

5. Records on file at Respondent Pharmacy indicate that pharmacist counseling was offered, but declined by the person receiving the prescription order.
6. A total of 195 prescriptions were dispensed by Respondent Pharmacist on the date the error was committed.

CONCLUSIONS OF LAW

Respondent Pharmacist and Respondent Pharmacy admit that the conduct in this matter constitutes sufficient grounds for disciplinary action on the license and the permit under GS 90-85.38(a) (6), (7) & (9).

The Respondents waive any further Findings of Fact and Conclusions of Law in this matter.

Based on the foregoing, and with the consent of the Respondent, IT IS THEREFORE THE

ORDER OF THE BOARD

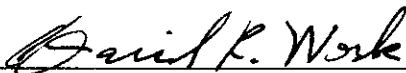
That Respondent Pharmacist be reprimanded for her actions in this matter.

That Respondent Pharmacy be reprimanded for the actions of Respondent Pharmacist on a date when the pharmacist dispensed more than 150 prescriptions.

That Respondent Pharmacist and Respondent Pharmacy shall violate no laws governing the practice of pharmacy or the distribution of drugs.

That Respondent Pharmacist and Respondent Pharmacy shall violate no rules of the Board.

This the 15th day of April, 2003.



David R. Work
Executive Director

The permit holder for #7162, has full knowledge that they have the right to a hearing and to be represented by counsel in this matter, and freely, knowingly, and voluntarily waive such right by entering into this Consent Order on behalf of Permit #7162. The permit holder understands and agrees that by entering into this Consent Order, they voluntarily relinquish any right to judicial review of Board actions which may be taken concerning this matter. The permit holder understands and agrees that this Consent Order will not become effective unless and until approved by the Board.

The permit holder admits there is a factual basis for the Findings of Fact set forth herein and that the Findings of Fact support the Conclusions of Law. The permit holder concurs with the foregoing Findings of Fact, Conclusions of Law, and Order of the Board and will not contest the Findings of Fact should further action be warranted in this matter.

CVS/pharmacy, Permit #7162, accepts Board member L. Stan Haywood's proposal in this matter.

CONSENTED TO BY [Signature] 3/21/03
(on behalf of Permit No. 7162) Date

State of Rhode Island
Providence County

I, Stephen E Murphy, a Notary Public for the above named County and State, do hereby certify that Susan DeMarrico personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witnessed my hand and official seal

This the 24 day of March, 2003

Stephen E Murphy #38550
Notary Public

My Commission Expires: 02/01/2006

STEPHEN E. MURPHY
NOTARY PUBLIC OF RHODE ISLAND
MY COMMISSION EXPIRES. 02/01/06

Permit Number 7162 does not accept the proposed Consent Order in this matter.

(on behalf of Permit No. 7162) Date