

STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:

JUNE KELLI BARKER HORNE
(License No. 12966)

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CONSENT ORDER

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 September 19, 2011 and, after appropriate notice, was heard on that day by Board member E. Lazelle Marks at the offices the Board. Respondent June Kelli Barker Horne (License No. 12966) (hereinafter, "Respondent" or "Horne") was present. Counsel Clinton R. Pinyan represented the Board. Members of the Board's investigative staff were also present at the Conference.

Respondent 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 her consent, Respondent also stipulates that she waives her 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 Board 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 is, and was at all relevant times referred to herein, a pharmacist licensed to practice pharmacy in the State of North Carolina with License No. 12966.

DELETION OR ALTERATION OF PATIENT RECORDS

3. Between 2005 and mid-2009, Respondent was employed as a pharmacist at Almands Discount Drugs, Permit No. 3105, located at 1329 Tarboro Street, Rocky Mount, North Carolina. During that time period, Respondent had legitimate and valid prescriptions for non-controlled substances for her personal use. As dispensing pharmacist at Almands Discount Drugs, she filled or refilled these prescriptions for herself on at least twelve (12) occasions between January 21, 2005 and July 20, 2009. Because Respondent did not wish for her co-workers to discover her medication regimen, for each of these twelve instances of dispensing, Respondent either deleted the prescription records or improperly recorded the prescriptions under a false patient name.

4. Between late 2009 and September 2010, Respondent was employed as a pharmacist at Medical Village Pharmacy, Permit No. 8294, 517 Launchwood Drive, Laurinburg, North Carolina. During that time period, Respondent had a legitimate and valid prescription for non-controlled substances for her personal use. As dispensing pharmacist at Medical Village Pharmacy, she filled or refilled these prescriptions for herself on at least two (2) occasions in November and December 2009. Because Respondent did not wish for her co-workers to discover her medication regimen, for both of these instances of dispensing, Respondent improperly recorded the prescriptions under a false patient name.

UNAUTHORIZED DISPENSING

5. On November 27, 2009, while employed as a pharmacist at Medical Village Pharmacy, Respondent created a record of a call-in prescription for herself for Sumatriptan. She

created the prescription with twelve (12) refills. Respondent first filled that prescription for herself on November 27, 2009.

6. At that time, Respondent had been in contact with her physician's office regarding receiving a prescription for Sumatriptan. However, the records of her physicians' office reflect that a call-in prescription was not authorized until November 30, 2009. At the time that the physician's office did authorize a call-in prescription, it authorized only three (3) refills. Respondent's physician told Board investigators that his office did not authorize the November 27, 2009 prescription with twelve (12) refills, and that his office would not have authorized a prescription with refills for more than six (6) months. Respondent has acknowledged that she knew that it was the practice of her physician's office not to authorize prescription refills for more than six (6) months.

7. Nevertheless, between November 27, 2009 and September 21, 2009, Respondent refilled the purported call-in prescription that she had created for herself on sixteen (16) different occasions. These sixteen (16) refills over a period of ten months were more than: (a) the twelve (12) refills permitted by the purported call-in prescription that Respondent had created for herself; (b) the three (3) refills that the physician's office called in on November 30, 2009; and (c) the six months of refills that the physician's office stated was its maximum practice, which was a fact known to Respondent. The Board finds that Respondent knew that she dispensed refills to herself that she knew that she had not been prescribed.

CONCLUSIONS OF LAW

Based on the above findings, the Board concludes as a matter of law:

1. Respondent violated N.C. Gen. Stat. §§ 90-85.30, 90-85.38(a)(6), (7) and (9) and 90-85.4(f); and 21 N.C.A.C. 46 .1803, 46 .2301, 46 .2302 and 46 .2303.

2. Respondent admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on her license under N.C. Gen. Stat. § 90-85.38.

Based upon the foregoing, and with the consent of the parties, IT IS THEREFORE ORDERED that the license of Respondent June Kelli Barker Home is hereby SUSPENDED for thirty (30) days, which suspension shall be stayed for two years from the date that this Consent Order is accepted by the Board, upon the following conditions:

1. Respondent shall not serve as pharmacist-manager of any pharmacy;
2. Respondent shall not serve as a preceptor of pharmacy students;
3. Respondent shall advise the Board promptly in writing of any change of address or change in practice status;
4. Respondent shall violate no laws governing the practice of pharmacy or the distribution of drugs;
5. Respondent shall violate no rules or regulations of the Board; and
6. Respondent shall cooperate with the Board, its attorneys, investigators and other representatives in any investigation and compliance with the provisions of this Consent Order, which cooperation shall include but shall not be limited to providing authorization for the Board to access any of Respondent's prescription, medical or other health care records.

This discipline is in addition to, and does not replace, the terms of the Order Reinstating License, dated June 17, 2003.

If Respondent fails to comply with any terms or conditions of this Order, Respondent may be subject to additional disciplinary action by the Board.

This the 18th day of October, 2011.

NORTH CAROLINA BOARD OF PHARMACY

By: _____

Jay W. Campbell, IV
Executive Director

June Kelli Barker Horne, the holder of license number 12966, has full knowledge that she has the right to a formal hearing, at which she would have the right to be represented at her 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, she certifies that she has read the foregoing Consent Order and that she 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 she 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 she has the right to have counsel of her choice review and advise her with respect to her rights and this Consent Order, and represents that she enters this Consent Order after consultation with her counsel or after knowingly and voluntarily choosing not to consult with counsel.

CONSENTED TO BY:

June Kelli Barker Horne Date 9/28/11
June Kelli Barker Horne
(License No. 12966)

NORTH CAROLINA

Richmond 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: June Kelli Barker Horne

Date: 9/28/2011

Tina J. Graves
Notary Public
TINA J. GRAVES

Tina J. Graves
Notary Public
Richmond County, NC
My Commission Expires Oct. 31, 2011

My commission expires: 10/31/2011

OBJECTED TO BY: _____ Date _____
June Kelli Barker Horne
(License No. 12966)