

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:)

SEPIDEH MANAFI)
(License No. 14666))

**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 October 17, 2011 and, after appropriate notice, was heard on that day by Board member Gene W. Minton at the offices the Board. Respondent Sepideh Manafi (License No. 14666) (hereinafter, "Respondent" or "Manafi") was present and was represented by Counsel Thomas R. West. Counsel Joseph A. Ponzi 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 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 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. 14666, and served as district pharmacy supervisor for, *inter alia*, CVS/pharmacy (Permit No. 6727) located 2501 West Roosevelt Boulevard, Monroe, North Carolina ("Monroe CVS") and CVS/pharmacy (Permit No. 10431), located at 14600 Lawyers Road, Matthews, North Carolina ("Matthews CVS"). Respondent is and was, at all relevant times referenced to herein, subject to the rules and regulations of the North Carolina Board of Pharmacy and the laws of the State of North Carolina.

MONROE CVS

3. On October 22, 2009, during a routine visit to the Monroe CVS, Respondent noticed that a pharmacist working at the store appeared to be impaired. Respondent removed the pharmacist from duty and notified CVS Loss Prevention Manager B.K. Sanders. That same day, Sanders and Respondent interviewed the pharmacist, who admitted to diverting 526 tablets of Hydrocodone 5/500 mg and 30 tablets of Zolpidem for personal use.

4. An initial audit conducted by the Board's investigative staff (for the period 5/01/07 through 1/20/10) based on data provided by CVS, showed that the medications diverted included more than 54,000 dosage units of Schedule II, Schedule III and Schedule IV controlled substances, specifically Oxycodone, Hydrocodone, Zolpidem, Alprazolam, and Phentermine in varying strengths. In preparation for the prehearing conference, CVS conducted a separate audit reflecting additional data. The new audit showed that substantially fewer medications had been diverted. Although the two audits could not be totally reconciled at the prehearing conference, the Board's investigative staff did not discount the information in CVS's audit.

5. As above, Respondent discovered by October 22, 2009 that drugs had been diverted from the store. However, the diversion was not reported to the Board until Sanders informed the Board of the diversion on December 15, 2009.

6. On December 28, 2009, Respondent reported the diversion to the Drug Enforcement Administration via form DEA 106, a copy of which was concurrently sent to the Board. However, Respondent failed to file a Drug Disaster and Loss Report with the Board until January 25, 2010.

7. Respondent and Sanders continued to monitor the Monroe CVS for potential diversions, and in early April 2010 discovered a pharmacy technician diverting controlled substances. On April 16, 2010, Respondent and Sanders obtained an admission of the diversions from the technician, whose employment was then terminated. Respondent filed with the Board both a DEA 106 and a Drug Disaster and Loss Report on April 20, 2010, regarding the technician's diversions.

MATTHEWS CVS

8. The pharmacist-manager at the Matthews CVS is, and was at all times relevant hereto, Stephanie Bosquet (License No. 16791).

9. On September 19, 2010, the Matthews CVS, through one of its technician employees, dispensed Fiorinal (a schedule III controlled substance), which prescription had been accurately filled for another patient by Bosquet, to a patient instead of the prescribed Zofran (the "Zofran Error"). The patient did not ingest any of the Fiorinal.

10. On October 7, 2010, a pharmacist at the Matthews CVS, R.Ph. Svetlana Babiyy (License No. 17466), dispensed Prozac to a patient instead of the prescribed Prilosec (the "Prilosec Error"). The patient did not ingest any of the Prozac.

11. On October 11, 2010, the Board was notified of the Zofran Error by the patient. On October 12, 2010, the Board was notified of the Prilosec Error by the patient.

12. On October 15, 2010, the Board served notices of demand for the Matthews CVS Incident Reports pursuant to N.C. Gen. Stat. § 90-85.47(e), for both the Zofran Error and the Prilosec Error.

13. Respondent failed to provide the Incident Reports in a timely manner, and the Board subsequently sent Respondent two additional notices requesting Incident Reports for both Errors, on January 12 and January 24, 2011, respectively.

14. Respondent failed to provide the Incident Reports to the Board until May 6, 2011.

CONCLUSIONS OF LAW

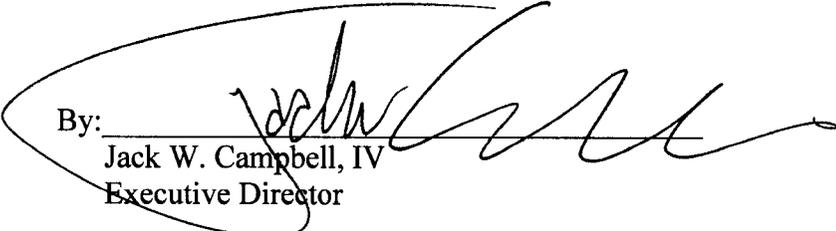
1. All parties are properly before the Board, and the Board has jurisdiction over Respondent and the subject matter of this proceeding.

2. Respondent's conduct, as set out in the findings of fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 90-85.38(a) because Respondent's acts were in violation of N.C. Gen. Stat. §§ 90-85.25(b), 90-85.38(a)(6) and (7), 90-85.40(f) and 90-85.47.

Based upon the foregoing, and with the consent of the parties, IT IS THEREFORE ORDERED that Respondent Sepideh Manafi, practicing under License No. 14666, is hereby REPRIMANDED for the aforementioned violations of law.

This the 17th day of January, 2012.

NORTH CAROLINA BOARD OF PHARMACY

By: 
Jack W. Campbell, IV
Executive Director

REJECTED BY:

_____ Date _____
Sepideh Manafi (License No. 14666)

Sepideh Manafi, the holder of license number 14666, has full knowledge that she has the right to a formal hearing in this matter, at which she would have the right to be represented at her expense by counsel. The undersigned freely, knowingly and voluntarily waives such right by entering into this Consent Order.

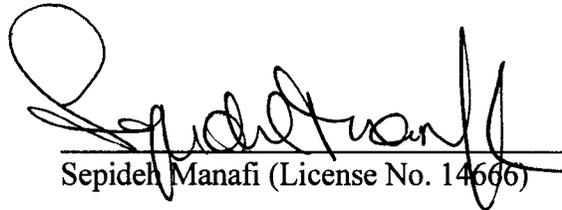
The undersigned understands and agrees that, by entering into this Consent Order, she certifies that she has read the foregoing Consent Order and that she voluntarily consents to the terms and conditions set forth therein and relinquishes any right to judicial review of Board actions which may be taken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

ACCEPTED AND CONSENTED TO BY:

 Date 2/2/2012
Sepideh Manafi (License No. 14666)

NORTH CAROLINA

_____ COUNTY

I, the undersigned Notary Public of the County and State aforesaid, do hereby certify that the following person personally appeared before me this day, and each acknowledged the due execution of the foregoing document: Sepideh Manafi.

Date: 2/2/12


Notary Public
Jane Ann Clougher

JANE ANN CLOUGHER
Notary Public - State of South Carolina
My Commission Expires August 12, 2019

My commission expires: 8/12/2019