

STATE OF NORTH CAROLINA  
NORTH CAROLINA BOARD OF PHARMACY

IN THE MATTER OF )  
 ) **CONSENT ORDER**  
CVS/PHARMACY )  
Permit No. 6599 )

This matter came on for consideration at a prehearing conference (hereinafter "conference") pursuant to 21 N.C.A.C. 46.2008. This conference was scheduled for January 14, 2008, and after appropriate notice, was heard on that day at the office of the North Carolina Board of Pharmacy by Board member L. Stan Haywood. Representatives of Respondent CVS/Pharmacy were present at the conference and represented by counsel. Board counsel Clinton R. Pinyan and members of the Board's legal and investigation staff were present at the conference, as were related respondents and their counsel. Based upon the record in this proceeding and the statements and materials presented at the conference, the Board makes the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. Respondent CVS/Pharmacy, 127 South Main Street, Davison, North Carolina, is the holder of permit number 6599.
2. On or about October 30, 2006, for a period of approximately nine-and-one-half hours, the permit holder and its pharmacist-manager allowed more technicians to work than the maximum allowed technician-pharmacist ratio. There was a 5:1 technician-to-pharmacist ratio for approximately three-and-one-half hours, a 4:1 technician-to-pharmacist ratio for approximately four hours, and a 3:1 technician-to-pharmacist ratio for approximately two hours.
3. Respondent CVS/Pharmacy has acknowledged the actions set forth above.

4. The Board has considered as an aggravating factor in reaching its decision in this matter that, during a period in which the pharmacist on duty was supervising four technicians, that pharmacist made a dispensing error.

**CONCLUSIONS OF LAW**

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

1. Respondent CVS/Pharmacy violated N.C. Gen. Stat. §§ 90-85.38(b) and 90-85.40(f).
2. Respondent CVS/Pharmacy admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on its permit under N.C. Gen. Stat. § 90-85.38.

Based on the foregoing, and with the consent of the parties, IT IS THEREFORE ORDERED that Respondent CVS/Pharmacy is hereby reprimanded.

This the 19<sup>th</sup> day of February, 2008.

NORTH CAROLINA BOARD OF PHARMACY

By: 

Jack W. Campbell, IV  
Executive Director

CVS/Pharmacy, the holder of permit number 6599, 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.

The undersigned certifies that its agent executing this Consent Order is duly authorized to accept the Consent Order on behalf of CVS/Pharmacy and to bind the permit holder.

ACCEPTED AND CONSENTED TO BY:

CVS/PHARMACY (Permit No. 6599)

Katherine Stamey Date 1/30/08

By: Katherine Stamey

Title: pharmacist in charge

NORTH CAROLINA

Iredell 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: \_\_\_\_\_

Date: 1/30/08

Ashlie Brandt  
Notary Public  
Ashlie Brandt

My commission expires: Dec 13, 2011

\*\*\*\*\*