

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:  
  
CVS Pharmacy  
(Permit No. 6636)

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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 24, 2008 and, after appropriate notice, was heard on that day by Board member Rebecca Chater at the office the Board. The Respondent CVS Pharmacy (hereinafter "Respondent" or "the Pharmacy") was present and was represented by counsel George Hearn. Counsel John Duberstein represented the Board. Members of the Board's investigative staff and other Board counsel 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. Respondent 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 by its consent. 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 Pharmacy (Permit No. 6636) is, and was at all relevant times referred to herein, the holder of Pharmacy Permit No. 6636, which Pharmacy is located at 5680 N.C. Hwy. 42 West, Garner, North Carolina (the "Pharmacy"). The Pharmacy and its employees are, and were at all relevant times, 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 9, 2007 and May 14, 2007, the Pharmacy allowed pharmacists on duty to supervise more than two technicians per pharmacist, in violation of statutes and regulations governing the practice of pharmacy. The Pharmacy acknowledged these violations.

#### **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 and conclusions of law above, constitute grounds for discipline pursuant to North Carolina General Statutes § 90-85.38(b) because Respondent's acts were in violation of North Carolina General Statutes § 90-85.15A(c).

#### **CONCLUSIONS REGARDING DISCIPLINE**

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

#### **ORDER OF DISCIPLINE**

1. Respondent CVS Pharmacy's (Permit No. 6636) permit to operate a pharmacy (Permit No. 6636) is hereby suspended for a period of one (1) business day. The suspension is

stayed for a period of one (1) year. The stay is conditioned upon Respondent's compliance with the terms of this Consent Order;

2. Respondent shall violate no laws governing the practice of pharmacy or the distribution of drugs;

3. Respondent shall violate no rules or regulations of the Board;

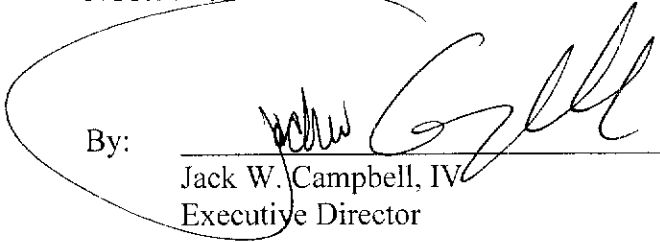
4. Respondent shall cooperate with the Board, its attorneys, investigators, and other representatives in any investigation and comply with the provisions of this Consent Order;

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

This the 15<sup>th</sup> day of April, 2008.

NORTH CAROLINA BOARD OF PHARMACY

By: \_\_\_\_\_

  
Jack W. Campbell, IV  
Executive Director

CVS Pharmacy, the holder of permit number 6636, has full knowledge that it has the right to a 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, he or she certifies that he has read the foregoing Consent Order and that CVS Pharmacy 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 CVS Pharmacy 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 CVS Pharmacy 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 execute the Consent Order on behalf of CVS Pharmacy and to bind the permit holder.

ACCEPTED AND CONSENTED TO BY:

CVS PHARMACY (Permit No. 6636)

CVS/pharmacy permit no. 6636

Date 4-8-08

By: Erica Pierce Jones, PharmD

Title: Pharmacist Manager

STATE OF NC

Wake 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 acknowledged the due execution of the foregoing document: Erica Pierce Jones

Date: 4-8-08

Elizabeth J. Robertson

Notary Public

Elizabeth J. Robertson

My commission expires: 11-25-11

ELIZABETH J. ROBERTSON  
NOTARY PUBLIC  
WAKE COUNTY, N.C.  
My Commission Expires 11-25-2011

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REJECTED BY:

CVS PHARMACY (Permit No. 6636)

\_\_\_\_\_ Date \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_