

STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:

NATURE'S PHARMACY
(Permit No. 6491)

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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 March 8, 2010, and, after appropriate notice, was heard on that day by Board member Rebecca Chater at the offices of the Board. Respondent Nature's Pharmacy (Permit No. 6491) (hereinafter, "Respondent" or "Nature's Pharmacy") was present and represented by its corporate representatives. Counsel Clinton R. Pinyan represented the Board. Members of the Board's 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 its consent, 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. 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, located at 752 Biltmore Avenue, Asheville, North Carolina, and the holder of permit number 6491. Respondent is and was, at all relevant times referenced to herein, subject to the rules and regulations of the Board and the laws of the State of North Carolina.

3. Between January 1, 2008 and January 21, 2010, on more than 200 occasions, Respondent compounded and dispensed medications without a prescription.

4. After a Board investigator visited Respondent on or about April 15, 2009 and warned its owners and pharmacist-manager that it was violating the law, Respondent continued on at least two occasions to compound and dispense medications without a prescription.

CONCLUSIONS OF LAW

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

1. Respondent violated N.C. Gen. Stat. §§ 90-85.38(b), 90-85.40(f), 106-134 and 106-134.1; and 21 N.C.A.C. 46 .1804, 46 .1805 and 46 .2301; and 21 U.S.C. §§ 331, 352 and 355.

2. Respondent 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 upon the foregoing, and with the consent of the parties, IT IS THEREFORE ORDERED that the permit of Respondent Nature's Pharmacy, Permit No. 6491, is hereby SUSPENDED for one (1) day. That suspension shall be stayed for one (1) year from the date that this Order is accepted by the Board, upon the following conditions:

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

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

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 20th day of April, 2010.

NORTH CAROLINA BOARD OF PHARMACY

By: _____


Jack W. Campbell, IV
Executive Director

Nature's Pharmacy, Permit No. 6491, 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 him 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 represents and warrants that the undersigned agent is duly authorized to execute the Consent Order on behalf of Nature's Pharmacy.

CONSENTED TO BY: NATURE'S PHARMACY (Permit No. 6491)

By: William B. Cheek Date 3-18-2010

NORTH CAROLINA
Buncombe 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: 3/18/2010

K. Allen Millsapps
Notary Public
K. Allen Millsapps

My commission expires: 9/5/2010

OBJECTED TO BY: NATURE'S PHARMACY (Permit No. 6491)

By: _____ Date _____