

**STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY**

IN THE MATTER OF)
)
TURNER DISCOUNT MEDICINE)
SHOPPE, INC.)
(Permit No. 4281))

**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, the "Board") pursuant to 21 N.C.A.C. 46 .2008. The Conference was scheduled for September 14, 2015, and, after appropriate notice, was heard on that day by a member of the Board at the offices of the Board. Respondent Turner Discount Medicine Shoppe, Inc. (Permit No. 4281) (hereinafter, "Respondent") was informed of its right to be present at the Conference and represented by counsel and declined.

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 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 a pharmacy located at 451 Main Street, Andrews, North Carolina, and, since September 19, 1983, has been the holder of permit number 4281, issued by the Board. 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.

3. On July 11, 2013, and June 5, 2014, Board investigators conducted inspections of Respondent that resulted in inspection reports in which violations with respect to compounding were noted. As a result of the Board inspections, Respondent formulated a corrective plan of action and submitted it to the Board on July 24, 2014.

4. On September 2, 2015, a Board investigator conducted a follow-up inspection of Respondent in order to determine whether Respondent was complying with its corrective action plan and with all applicable laws and regulations. The Board investigator found a number of continued violations of the laws and regulations governing compounding, as well as failures to follow the corrective plan of action.

CONCLUSIONS OF LAW

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

1. Respondent has violated N.C. Gen. Stat. § 90-85.38(b) and 21 N.C.A.C. 46 .2801.
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 on the foregoing, and with the consent of the parties, IT IS THEREFORE ORDERED that the permit of Respondent, Permit No. 4281, is hereby RESTRICTED and CONDITIONED as follows:

1. Effective immediately, Respondent will not engage in any compounding nor will it dispense, ship, mail or deliver in any manner any compounded drugs (even if those drugs were compounded before the time of this 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; and


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

The Board reserves any and all rights to take further disciplinary action based on these allegations, in accordance with its authority in these matters.

This the 15th day of September, 2015.

NORTH CAROLINA BOARD OF PHARMACY

By:



Jack W. Campbell, IV
Executive Director

Turner Discount Medicine Shoppe, Inc., the holder of permit number 4281, 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 Turner Discount Medicine Shoppe, Inc., and to bind the permit holder.

ACCEPTED AND CONSENTED TO BY:

TURNER DISCOUNT MEDICINE SHOPPE, INC.
(Permit No. 4281)

Robert A. Turner

Date 9-9-2015

By: Robert A. Turner

Title: Pharmacist-Manager

STATE OF North Carolina

Cherokee 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: Robert A. Turner

Date: 9-9-2015

Sarah B. Jones

Notary Public

Sarah B. Jones

My commission expires: 2-4-2018

