

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:

CVS Pharmacy
(Permit No. 06679)

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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 July 16, 2007 and, after appropriate notice, was heard on that day by Board member L. Stan Haywood at the offices the Board. The Respondent CVS Pharmacy (Permit No. 06679) (hereinafter, "Respondent" or "CVS") was present and CVS was represented by counsel George Hearn. Counsel Sarah Phillips represented the Board. Members of the Board's investigative staff and other Board counsel were also present at the Conference.

CVS 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, CVS 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 CVS Pharmacy is, and was at all relevant times referred to herein, the holder of Pharmacy Permit No. 06679, which Pharmacy is located at 1119 Eastchester Drive, High Point, North Carolina (the "Pharmacy"). The Pharmacy and its employees were subject to the rules and regulations of the North Carolina Board of Pharmacy and the laws of the State of North Carolina.

3. Between approximately January 2006 and November 2006, CVS allowed an unregistered technician to work and fulfill the duties of a pharmacy technician.

4. Between approximately May 2005 and November 2006, approximately 50,000 dosage units of Schedule III and Schedule IV medications were diverted from the Pharmacy by one or more employees, including the unregistered technician.

5. Respondent's employees testified that upon being notified by the Board's Director of Investigation of a suspected diversion from the Pharmacy, it took immediate steps to identify the employee diverting medications, including, but not limited to, installing and monitoring hidden surveillance cameras, conducting daily counts of certain medications, and conducting an audit of controlled substances.

6. The Board member found that, after the fact, Respondent took all appropriate steps in response to the suspected diversion.

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 because Respondent's acts were in violation of N.C. Gen. Stat. § 90-85.15A.

CONCLUSIONS REGARDING DISCIPLINE

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

CONSENT ORDER OF DISCIPLINE

Respondent CVS, Permit No. 06679, is hereby formally reprimanded by the Board for allowing an unregistered technician to work and fulfill the duties of a pharmacy technician in violation of N.C. Gen. Stat. § 90-85.15A.

This the 16th day of October, 2007.

NORTH CAROLINA BOARD OF PHARMACY

By:



Jack W. Campbell, IV
Executive Director

CVS Pharmacy, the holder of permit number 06679, 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.

ACCEPTED AND CONSENTED TO BY:

CVS PHARMACY (Permit No. 06679)

Brooke Wall-Curran Pharm.D. Date 9/25/07

By: Brooke Wall-Curran Pharm.D.

Title: Pharmacy Manager

NORTH CAROLINA

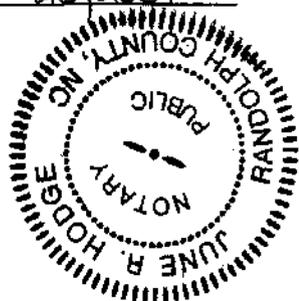
Guilford COUNTY

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: Consent order of Discipline

Date: Sept. 25, 2007

June R. Hodge
Notary Public
June R. Hodge

My commission expires: 2-24-08



REJECTED BY:

CVS PHARMACY (Permit No. 06679)

_____ Date _____

By: _____

Title: _____