

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:

CVS PHARMACY
(Permit No. 6745)

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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 February 16, 2009 and, after appropriate notice, was heard on that day by Board member L. Stan Haywood at the offices the Board. Respondent CVS Pharmacy (Permit No. 6745) (hereinafter, the "Respondent" or the "Pharmacy") was present and was represented by counsel Thomas R. West. Counsel Alexander Elkan represented the Board. Members of the Board's investigative staff and other related respondents involved with the subject matter of the Conference were also present.

The 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, the 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. The Respondent is, and was at all relevant times referred to herein, located at 215 Williamsboro Street, Oxford, North Carolina, and the holder of Pharmacy Permit No. 6745. The Pharmacy and its employees are and were at all relevant times referred 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 or about January 4, 2006, the Pharmacy, under the supervision of William Roberson, R.Ph. (License No. 7379) as pharmacist manager, allowed pharmacists to supervise more technicians than permitted by the Pharmacy Practice Act.

4. The Board finds that discipline is warranted due to the nature of the conduct described.

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.

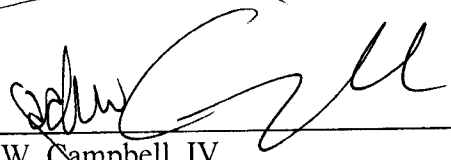
2. The Pharmacy's conduct, as set out in the findings of fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 90-85.38(b) because the Pharmacy's acts were in violation of N.C. Gen. Stat. § 90-85.15A(c).

CONSENT ORDER OF DISCIPLINE

Based upon the foregoing Findings of Fact and Conclusions of Law, Respondent CVS Pharmacy, Permit No. 6745, is hereby formally REPRIMANDED by the Board.

This the 12th day of March, 2009.

NORTH CAROLINA BOARD OF PHARMACY

By: 

Jack W. Campbell, IV
Executive Director

CVS Pharmacy, the holder of permit number 6745, 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 the permit holder and to bind the permit holder.

ACCEPTED AND CONSENTED TO BY:

CVS PHARMACY (Permit No. 6745)

Erica Fleming Winfield Date 3/13/09

By: Erica Fleming Winfield Pharm. D

Title: Pharmacist in Charge

NORTH CAROLINA

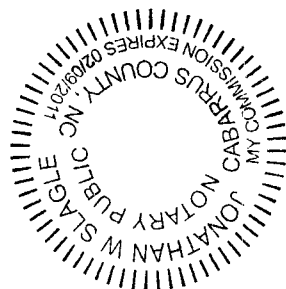
Orange COUNTY

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: Erica Fleming Winfield

Date: 3/13/09

Jonathan W. Slagle
Notary Public
Jonathan W. Slagle

My commission expires: 02/09/2011



REJECTED BY:

CVS PHARMACY (Permit No. 6745)

_____ Date _____

By: _____

Title: _____