

STATE OF NORTH CAROLINA
BOARD OF PHARMACY

IN THE MATTER OF)
)
FRANKLIN PHARMACY, LLC,) **CONSENT ORDER**
)
Permit Number 10974)

THIS MATTER came on for consideration at a prehearing conference (hereinafter, “conference”) pursuant to 21 N.C.A.C. 46 .2008. This conference was scheduled for January 14, 2013, and, after appropriate notice, was heard on that day at the office of the North Carolina Board of Pharmacy (hereinafter, “Board”) by Board member Carol Yates Day. Board Counsel and members of the Board’s investigative and legal staff were present at this conference. Franklin Pharmacy, LLC was informed of its right to have representatives present at the conference, in person, and waived that right.

FINDINGS OF FACT

1. On February 1, 2011, Franklin Pharmacy, LLC (“Franklin” or “Respondent”) was granted a permit by the Alabama Board of Pharmacy to operate at 361 Mustang Drive, Russellville, Alabama.
2. On March 8, 2011, the North Carolina Board of Pharmacy granted Franklin an out-of-state pharmacy permit.
3. On or about July 26, 2012, Respondent entered into a Consent Order with the Alabama Board of Pharmacy following an investigation by the Alabama Board of Pharmacy.
4. The findings of fact, conclusions of law and any other provisions in the Consent Order are incorporated herein by reference, and Respondent admits and agrees to those findings of fact, conclusions of law and other provisions.

5. The Consent Order provided for a fine to be paid by Respondent, among other provisions.

CONCLUSIONS OF LAW

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

1. Respondent Franklin Pharmacy, LLC violated N.C. Gen. Stat. § 90-85.38(a)(6).
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 Franklin Pharmacy, LLC, is hereby disciplined as follows:

1. Respondent's permit is hereby REPRIMANDED;
2. Respondent shall maintain full compliance with the Alabama Board of Pharmacy's Consent Order, as well as this Consent Order;
3. Respondent shall cooperate with the Board, its attorneys, investigators and other representatives in any investigation and compliance with the provisions of this Consent Order;
4. Respondent shall violate no laws governing the practice of pharmacy or the distribution of devices or medical equipment; and
5. Respondent shall violate no rules and 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 18th day of January, 2013.

NORTH CAROLINA BOARD OF PHARMACY

By: 

Jack W. Campbell, IV
Executive Director

Franklin Pharmacy, LLC, 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 Final Consent Order. The undersigned understands and agrees that by entering into this Final Consent Order, it certifies that it has read the foregoing Final 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 Final Consent Order, the Board may take additional disciplinary action. The undersigned understands and agrees that this Final 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 Final Consent Order, and represents that it enters this Final 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 Final Consent Order is duly authorized to accept the Final Consent Order on behalf of Stokes Healthcare, Inc. and to bind the permit holder.

ACCEPTED AND CONSENTED TO BY:

FRANKLIN PHARMACY, LLC

Franklin Pharmacy, LLC Date 12/13/12
By: Jeff South
Title: General Manager

STATE OF Alabama

Franklin COUNTY

I, the undersigned Notary Public of the County and State aforesaid, do hereby certify that personally appeared before me this day, and each acknowledged the due execution of the foregoing document: Jeff South

[PRINT NAME OF INDIVIDUAL SIGNING]

Date: 12/13/2012

Sherie Kirby
Notary Public

My commission expires: 09/23/2015