

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:)

RITE AID PHARMACY)
(Permit No. 9571))

**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 20, 2012, and, after appropriate notice, was heard on that day by Board member Dr. Parker Chesson, Jr. at the offices the Board. Respondent Rite Aid Pharmacy (Permit No. 9571) (hereinafter, "Respondent" or "Rite Aid") was present and was represented by Counsel Anna Baird Choi. Counsel Clinton R. Pinyan represented the Board. Members of the Board's investigative staff and a related respondent were also present at the Conference.

Rite Aid 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, Rite Aid 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 Rite Aid Pharmacy is the holder of Pharmacy Permit No. 9571, which Pharmacy is located at 2127 Chapel Hill Road, Burlington, North Carolina (the "Pharmacy"). Rite Aid 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. On May 10, 2009, R. Ph. Jaymie Ramirez assumed the duties of pharmacist-manager at the Pharmacy. She succeeded R. Ph. Charles Hamrick as pharmacist-manager at the Pharmacy.

4. Respondent and Ramirez failed to timely notify the Board that Ramirez had become the pharmacist-manager of the Pharmacy. Ramirez testified that, upon assuming those duties, she promptly signed the Certificate of Successor as Pharmacist-Manager on the Pharmacy's 2009 permit and forwarded it to her supervisor to be submitted to the Board. However, the Pharmacy did not forward the permit to the Board. Ramirez further testified that she and Rite Aid never followed up on the status of the change in pharmacist-manager, notwithstanding the fact that she and Rite Aid knew that both (a) if the permit had been submitted to the Board, the Pharmacy would have received a reissued permit certificate listing Ramirez as pharmacist-manager, and (b) they did not receive any such reissued permit certificate. Rite Aid and Ramirez acknowledged their failure to follow up with the Board about the change in pharmacist-manager.

5. Ramirez and Rite Aid renewed the Pharmacy's permit for 2010 without notifying the Board of the change in pharmacist-manager. On December 1, 2009, the Board issued the new 2010 Pharmacy permit to Hamrick. By its terms, the permit was required to be signed by the pharmacist-manager to whom it was issued (Hamrick). Because Hamrick had ceased his service as pharmacist-manager seven months earlier, he did not sign the 2010 permit. Ramirez

further testified that she did not notice that the 2010 permit was not issued to her and testified that the unsigned permit was displayed in the pharmacy for nearly a year.

6. In November 2010, Ramirez and Rite Aid were in the process of applying to renew the Pharmacy's permit for 2011. At that time, they realized that (a) the Board had never been notified of the change of pharmacist-manager, (b) they had applied for a 2010 permit in the name of Hamrick (although he had ceased serving as pharmacist-manager in May 2009), (c) the 2010 permit had been issued to Hamrick, (d) the 2010 permit had never been signed by the pharmacist-manager, and (e) for nearly one year, the Pharmacy had displayed an unsigned permit issued to a former pharmacist-manager.

7. Upon discovering the violations, on November 24, 2010, Rite Aid promptly reported the change in pharmacist-manager and returned its 2010 permit containing a Certificate of Successor as Pharmacist-Manager that Ramirez had signed on that same date.

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. §§ 90-85.21(a), 90-85.38(b) and 90-85.40(b) and (f).

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:

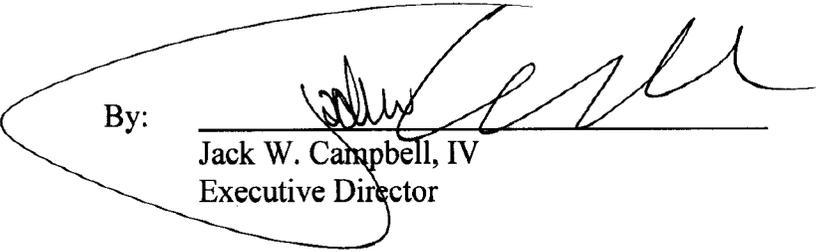
CONSENT ORDER OF DISCIPLINE

Respondent Rite Aid Pharmacy (Permit No. 9571) is hereby REPRIMANDED.

This the 21st day of March, 2012.

NORTH CAROLINA BOARD OF PHARMACY

By:



Jack W. Campbell, IV
Executive Director

Rite Aid Pharmacy, the holder of permit number 9571, 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:

RITE AID PHARMACY (Permit No. 9571)

M. A. Podgurski Date 3-8-12

By: Michael A. Podgurski
Title: Vice President

Pennsylvania
~~NORTH CAROLINA~~
Cumberland COUNTY

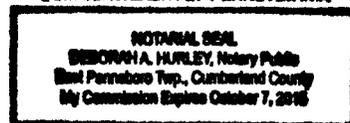
I, the undersigned Notary Public of the County and State aforesaid, do hereby certify that the following person(s) personally appeared before me this day, and each acknowledged the due execution of the foregoing document: Consent Order

Date: 3/8/12

[Signature]
Notary Public

My commission expires: _____

COMMONWEALTH OF PENNSYLVANIA



REJECTED BY:

RITE AID PHARMACY (Permit No. 9571) Date _____