

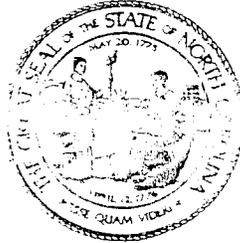
Office of Investigations
& Inspections

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NORTH CAROLINA
BOARD OF PHARMACY
OFFICE OF INVESTIGATIONS & INSPECTIONS



David R. Work
Executive Director

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October 2, 2002

Michael Smith (Lic # 14407)
5037 Kosterhill Place
Cary, NC 27511

LETTER OF REPRIMAND

Dear Mr. Smith:

On September 17, 2002, representatives of CVS/pharmacy met with Board member Robert Crocker, Board staff, and you at a prehearing conference in the Board's office located at 104-C Carrboro Plaza, Hwy 54 Bypass, Carrboro, NC. The purpose of the conference was to consider the culpability of the permit holder and you in the dispensing of Suprax Cefixime on an order for Zithromax Suspension.

After giving careful consideration to the investigative findings and your response, Mr. Crocker found that you committed the error as alleged. He also found that the permit was culpable for allowing you to fill prescriptions at such a rate as to pose a danger to the public health or safety.

Considering these findings, Mr. Crocker directed that this Letter of Reprimand be issued to you for violation of GS 90-85.38(a)(a). This letter will be made a part of your record with the Board for consideration should similar activity be found in the future.

Sincerely,

Steve Hudson
Director of Investigations & Inspections

cc: File
Josh Kohler
Susan Delmonico
Ann Christian

*A Notary Public must notarize your signature on the appropriate line of the original (white) copy if you accept the Letter of Reprimand. If, however, you do not accept the Letter of Reprimand, you must sign the appropriate signature line at the end of the document. The original (white) document should be returned using the enclosed envelope, to the Board at P. O. Box 362, Newton, NC 28658, within ten (10) days. The yellow copy is provided for your records.

Michael Smith has full knowledge of the right to a formal hearing before the Board and freely, knowingly, and voluntarily waives such right by accepting this Letter of Reprimand.

Michael Smith understands and agrees that consenting to this action voluntarily relinquishes any right to judicial review of Board actions that may be taken concerning this matter.

Michael Smith understands and agrees that this action will not become effective unless and until approved by the Board.

Michael Smith admits there is a factual basis for the issuance of the Letter of Reprimand.

CONSENTED TO BY Michael W. Smith (Signature) 11/18/02 (Date)

State of North Carolina
Watauga County

I, Timothy Smith, a Notary Public for the above named County and State, do hereby certify that Michael W. Smith personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witnessed my hand and official seal

This the 18th day of November, 2002

Timothy Smith
Notary Public

My Commission Expires: December 31, 2003

Michael Smith does not accept the Letter of Reprimand as a disposition of this matter.

(Signature) (Date)