

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:

CHARLES AUSTIN
(License No. 18427)

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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 January 16, 2012 and, after appropriate notice, was heard on that day by Board member Rebecca Chater at the offices the Board. Respondent Charles Austin (License No. 18427) (hereinafter, "Respondent" or "Austin") was present. Counsel Joseph A. Ponzi represented the Board. Members of the Board's investigative staff were also present at the Conference.

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 his consent, Respondent also stipulates that he waives his 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 was, at all relevant times referred to herein, a pharmacist licensed to practice pharmacy in the State of North Carolina with License No. 18427, and served as pharmacist-manager at Wal-Mart Pharmacy (“Wal-Mart”), located at 2710 North Main Street, High Point, North Carolina. Respondent is and was, at all relevant times referenced 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 June 9, 2011, Respondent created false call-in prescriptions for Amoxicilin and Ibuprofen for a technician working under his supervision who had complained of having strep throat. The medications were subsequently dispensed to the technician.

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(a) because Respondent’s acts were in violation of N.C. Gen. Stat. §§ 90-85.38(a)(4), (6), (7) and (9), and 90-85.40(f); and 21 N.C.A.C. 46 .1801, 46 .1802, 46 .1804(a), 46 .1805 and 46 .2301.

Based upon the foregoing, and with the consent of the parties, IT IS THEREFORE ORDERED that Respondent Charles Austin, practicing under License No. 18427, is hereby REPRIMANDED for the aforementioned violations of law.

This the 21st day of ~~January~~ ^{February}, 2012.

NORTH CAROLINA BOARD OF PHARMACY

By: 
Jack W. Campbell, IV
Executive Director

Charles Austin, the holder of license number 18427, has full knowledge that he has the right to a formal hearing in this matter, at which he would have the right to be represented at his expense by counsel. 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, he certifies that he has read the foregoing Consent Order and that he 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 he 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 he has the right to have counsel of his choice review and advise him with respect to his rights and this Consent Order, and represents that he enters this Consent Order after consultation with his counsel or after knowingly and voluntarily choosing not to consult with counsel.

ACCEPTED AND CONSENTED TO BY:

Charles Austin Date 2/14/12
Charles Austin (License No. 18427)

NORTH CAROLINA

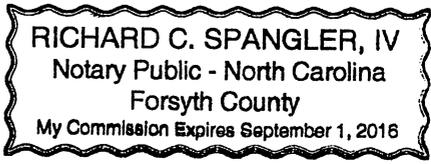
Forsyth COUNTY

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

Date: Feb. 14th, 2012

Richard C. Spangler IV
Notary Public
Richard C. Spangler IV

My commission expires: Sept. 1, 2016



REJECTED BY:

_____ Date _____
Charles Austin (License No. 18427)