BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:		
Tonya Bell-Prince (License No. 11705))))	CONSENT ORDER

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 June 2, 2005 and was heard on that day at the Board office before Board member Wallace Nelson. Also present at the conference were the following: Tim Jones, Assistant Director of Investigations and Inspections; Steve Hudson, Director of Investigations and Inspections; Anna Baird Choi, Counsel for the Board; Paul Peterson, Executive Director of the North Carolina Pharmacist Recovery Network (PRN); and Tonya Bell-Prince (Respondent Pharmacist). Based upon the record in this proceeding and the statements and materials presented at the conference, the Board makes the following:

FINDINGS OF FACT

Respondent Pharmacist is licensed to practice pharmacy by the Board and is the holder of license number 11705. From April 4, 2002 until approximately January 26, 2003,
 Respondent Pharmacist was employed as a staff pharmacist at CVS Pharmacy located at 115 W. Arrowood Road, Charlotte, North Carolina. From approximately March of 2003 until April of 2004, Respondent Pharmacist was employed as the Pharmacist Manager at Eckerd Drugs located at 1728 South Boulevard, Charlotte, North Carolina.

- 2. On August 30, 2004, the Board received information from Paul Peterson that Respondent Pharmacist, who had previously been under a PRN contract, had been deceptive and uncooperative and was therefore terminated from the PRN program.
- 3. Respondent Pharmacist informed the Board Investigator, Sandra Burns, that during her employment at CVS, she took one dosage unit of Norvasc and one dosage unit of Hydrocodone 5/500. Hydrocodone 5/500 is a schedule III controlled substance.
- 4. Respondent Pharmacist informed the Board Investigator that on December 20, 2003 and while employed as the Pharmacist Manager at Eckerd Drug, Respondent Pharmacist dispensed 60 dosage units of Ambien 10mgs to herself on a legitimate prescription order written by Dr. P. Richardson on August 15, 2003 for Ambien 10mgs, 30 dosage units. Ambien is a schedule IV controlled substance.
- 5. The prescription order indicated that there were four refills; however, Dr. Richardson confirmed that she authorized only one refill. Upon review of the prescription,

 Respondent Pharmacist stated that she did not recall altering the prescription; however, she stated that she might have done so.
- 6. Respondent Pharmacist informed the Board Investigator that in March of 2004 and while employed as the Pharmacist Manager at Eckerd Drug, she diverted an additional 30 dosage units of Ambien.
- 7. In approximately April of 2004, Respondent Pharmacist entered into a PRN contract.
- 8. As of June of 2005, Mr. Peterson reported that Respondent Pharmacist was in full compliance with her PRN contract.

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

CONCLUSIONS OF LAW

- 1. Respondent Pharmacist admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on her license under G.S. 90-85.38.
- 2. Respondent Pharmacist violated the following statutes and rules when she diverted the medications described above:
 - a. G.S. 90-85.38(a)(6) and (7);
 - b. G.S. 90-106;
 - c. G.S. 90-108;
 - d. G.S. 106-134.1;
 - e. 21 U.S.C. 829 and 842;
 - f. 21 C.F.R. 1306.21;
 - g. 21 N.C.A.C. 46 .1804; and
 - h. 21 N.C.A.C. 46 .1805.

Based on the foregoing, and with the consent of the parties, IT IS THEREFORE, ORDERED, as follows:

- 1. Respondent Pharmacist, license number 11705, is hereby warned.
- Respondent Pharmacist shall cooperate with the Board, its attorneys, investigators, and
 other representatives in any investigation of her practice and compliance with the
 provisions of this Consent Order.
- 3. Respondent Pharmacist shall violate no laws governing the practice of pharmacy or the distribution of drugs.
- 4. Respondent Pharmacist shall violate no rules and regulations of the Board.

If Respondent Pharmacist fails to comply with any terms or conditions of this Consent 5. Order, Respondent Pharmacist may be subject to additional disciplinary action by the Board.

This the 17th day of Worth, 2005.

NORTH CAROLINA BOARD OF PHARMACY

By:

Executive Director

Tonya Bell-Prince, the holder of License #11705, has full knowledge that she has the right to a hearing and to be represented by counsel in this matter. She freely, knowingly, and voluntarily waives such right by entering into this Consent Order on behalf of License #11705. The undersigned understands and agrees that by entering into this Consent Order, she certifies that she has read the foregoing Consent Order and that she voluntarily consents to the terms and conditions set out therein and relinquishes any right to judicial review of Board actions which may be taken concerning this matter. The undersigned further understands that should she 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.

may be taken concerning this ma the terms and conditions of this (anquishes any right to judicial review after. The undersigned further understance and Consent Order, the Board may take acount and agrees that this Consent Orded by the Board.	ands that should she violate distinguished
Tonya Bell-Prince, Licen in this matter.	se #11705, <u>accepts</u> Board member W	Vallace Nelson's proposal
CONSENTED TO BY:	Jour Poel Prince Tonya Bell-Prince License No. 11705	11-71-05 Date
State of County I, County I, County Hereby certify that Tonya Bell-Pr the due execution of the foregoin	a Notary Public for the above-named rince personally appeared before me tog instrument.	County and State, do his day and acknowledged
Witnessed my hand and official s	seal	<u>.</u>
This the 21 day of NOV Notary Public	, 2005.	
My Commission Expires	June 2007	

Tonya Bell-Prince, License No. 1 matter.	1705, does not accept the proposed	Consent Order in this
Ву:		
	Tonya Bell-Prince License No. 11705	Date

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