

STATE OF NORTH CAROLINA  
NORTH CAROLINA BOARD OF PHARMACY

IN THE MATTER OF )  
 )  
PUSHPESH BHANDARI )  
License Number 12972 )

**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 April 14, 2008 and, after appropriate notice, was heard on that day by Board member Wallace E. Nelson at the offices of the Board. The Respondent Pushpesh Bhandari (License No. 12972) (hereinafter, "Respondent" or "Bhandari") was present. Counsel Katherine A. Soles represented the Board. Members of the Board's investigative staff and other Board counsel were also present at the Conference, as was a related respondent.

**FINDINGS OF FACT**

1. Respondent is, and was at all relevant times referred to herein, a pharmacist licensed to practice pharmacy in the State of North Carolina with License No. 12972. 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.

2. Between approximately May 2006 and December 2006, Respondent served as Pharmacist Manager of Eckerd Drugs, Permit No. 08627, located at 1505 Broad Street, Durham, North Carolina (the "Pharmacy").

3. Respondent maintains that, upon becoming Pharmacist Manager of the Pharmacy in May 2006, he conducted a complete controlled substances inventory as required by 21 N.C.A.C. 46 .2502(c). However, there is no record of such an inventory.

4. During the time that Respondent served as Pharmacist Manager of the Pharmacy, Technician James Allston worked as a technician at the Pharmacy. While employed by the Pharmacy, Technician Allston diverted several thousand dosage units of Schedule III and Schedule IV controlled substances from the Pharmacy.

5. While serving as Pharmacist Manager of the Pharmacy, Respondent failed to take adequate steps to ensure that controlled substances were safe and secure within the Pharmacy and failed to maintain an adequate system of record-keeping and control.

#### CONCLUSIONS OF LAW

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

1. Respondent violated N.C. Gen. Stat. §§ 90-85.38(a)(6), (7) and (9), 90-85.40(f) and 90-104; 21 N.C.A.C. 46 .1804(a), and 46 .2502(a), (c), (d) and (e).

2. Respondent admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on his license under N.C. Gen. Stat. § 90-85.38.

Based upon the foregoing, and with the consent of the parties, IT IS THEREFORE ORDERED that:

1. Respondent, practicing under License No. 12972, is hereby WARNED for the aforementioned violations of law;

2. Respondent shall take and pass the Multistate Pharmacy Jurisprudence Examination (MPJE), administered by the National Association of Boards of Pharmacy (NABP), within 90 days of entry of this Order by the Board of Pharmacy;

3. Respondent shall violate no laws governing the practice of pharmacy or the distribution of drugs;

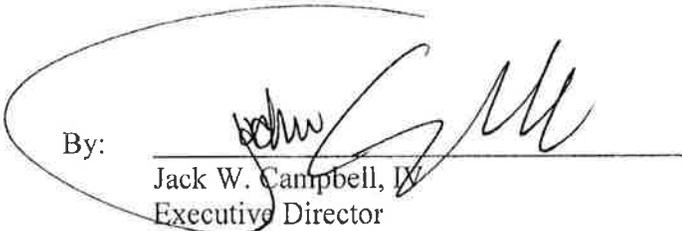
4. Respondent shall violate no rules and regulations of the Board; and

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

This the 17<sup>th</sup> day of June, 2008.

NORTH CAROLINA BOARD OF PHARMACY

By:

  
\_\_\_\_\_  
Jack W. Campbell, IX  
Executive Director

Pushpesh Bhandari, the holder of license number 12972, has full knowledge that he has the right to a formal hearing, at which he would have the right to be represented at his 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, 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.

CONSENTED TO BY:

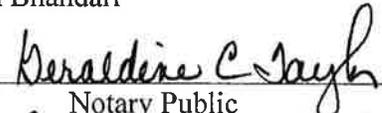
  
Pushpesh Bhandari Date 5/9/08  
(License No. 12972) NCOL v Exp. 12/15

NORTH CAROLINA

DURHAM 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: Pushpesh Bhandari

Date: 5-9-08

  
Notary Public  
GERALDINE C Taylor

My commission expires: 10-12-2008

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OBJECTED TO BY:

\_\_\_\_\_Date\_\_\_\_\_

Pushpesh Bhandari  
(License No. 12972)