

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:

SANDI BRYANT  
(License No. 12099)

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**CONSENT ORDER OF  
DISCIPLINE**

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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 August 26, 2009 and, after appropriate notice, was heard on that day by Board member Robert McLaughlin, Jr. at the offices the Board. Respondent Sandi Bryant (License No. 12099) (hereinafter, "Respondent" or "Bryant") was present and was represented by Counsel James A. Wilson. Counsel Clinton R. Pinyan represented the Board. Members of the Board's investigative staff and a related respondent's agents and its counsel 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 her consent, Respondent also stipulates that she waives her 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, the holder of License No. 12099 from the Board. Between 1999 and October 2008, Respondent was the pharmacist-manager of Cane Creek Pharmacy, Inc. ("Cane Creek"), located at 66 Reta Road, Fairview, North Carolina and the holder of Permit No. 5443 issued by the Board. 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. Between approximately October 2007 and October 2008, as pharmacist-manager for Cane Creek, Respondent failed to maintain an adequate system of inventory record-keeping and control to prevent and detect the diversion of controlled substances and failed to maintain inventories and records, as required by state and federal law.

4. Although Respondent maintains she had completed all required inventories and that documentation thereof was present when he service as pharmacist-manager ended in October 2008, upon inspection in December 2008, Cane Creek did not maintain required inventories and records, including:

- i. Invoices for pharmaceuticals, including but not limited to records of ordering or returns of schedule III through schedule V controlled substances, from August 2006 to March 2007;
- ii. Records of biennial inventories from 2001, 2003, 2005 or 2007;
- iii. A current policy and procedure manual.

5. Although Respondent denies it, the Board finds that at least some of the inventories and records that were missing from the pharmacy in December 2008 had been missing since before the time that Respondent ceased her service as pharmacist-manager.

6. In or around November 2007, Respondent failed to assure that controlled substances were safe and secure within the pharmacy. As a result, one of Cane Creek's employees diverted from Cane Creek about 36 dosage units of controlled substances, including 20 dosage units of Percocet (a schedule II controlled substance), 8 dosage units of Diazepam (a schedule IV controlled substance), 5 dosage units of Darvocet (a schedule IV controlled substance) and 3 dosage units of Xanax (a schedule IV controlled substance). Respondent reported the loss to the DEA, but Respondent did not report the loss to the Board, as required by law.

7. Between at least April 2008 and October 2008, Cane Creek's physical facility, under Respondent's supervision as pharmacist-manager, failed to satisfy the requirements of North Carolina law. Cane Creek lacked sufficient floor space to ensure sanitation and quality of the product dispensed, lacked sufficient security to ensure that prescription drugs and controlled substances remained safe and secure within the pharmacy, and did not maintain equipment sufficiently to ensure the safety, sterility and purity of the products dispensed.

8. At various times during 2008, under Respondent's supervision as pharmacist-manager, Cane Creek employed four technicians who were not registered with the Board as required by law.

## **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. §§ 90-85.15A(b) and (c), 90-85.21(a), 90-85.25(b), 90-85.38(a)(6), (7) and (9), 90-85.40(a), (c) and (f), 90-106 and 90-108; and 21 N.C.A.C. 46. 1601, 46. 1803, 46. 1804, 46. 2501, and 46. 2502(a) and (d).

### **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**

1. Respondent (License No. 12099) is hereby REPRIMANDED.
2. Respondent's license to practice pharmacy is hereby conditioned so that she may not serve as pharmacist-manager for any pharmacy permitted by the Board for a period of one (1) year from the date that Respondent executes this Consent Order.
3. Subsequent to expiration of the condition set forth above, if Respondent does serve as pharmacist-manager for any pharmacy permitted by the Board, for a period of five (5) years from the date that she first notifies the Board that she has become the pharmacist-manager, she and the pharmacy where she serves as pharmacist-manager must comply with the following conditions:

- a. Within forty-five (45) days from the date that Respondent notifies the Board that she has become the pharmacist-manager, Respondent shall

submit to the Executive Director (a) a policies and procedures manual and (b) a securities manual. Those manuals shall be adequate, in the discretion of the Executive Director, to ensure that there are adequate procedures in place, at a minimum, for (a) record-keeping and control to prevent and detect the diversion of controlled substances, (b) ensuring the sanitation, security and quality of the product dispensed, (c) ensuring the licensure of all pharmacists and registration of all technicians, (d) ensuring the adequate supervision of technicians, and (e) ensuring an adequate number of pharmacists for the volume of drugs dispensed. Respondent shall again submit the same documents within forty-five (45) days after Respondent notifies the Board that she has subsequently become the pharmacist-manager of any pharmacies permitted by the Board;

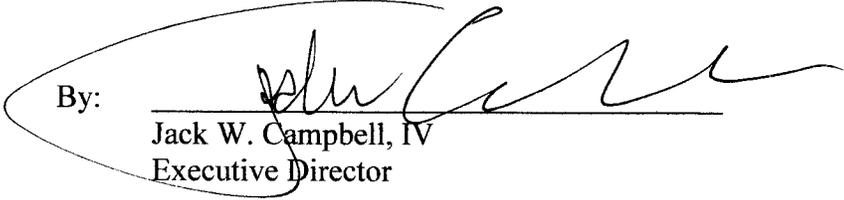
- b. Respondent will notify the Board within fifteen (15) days of the date of employment of any person who, as any part of his or her job, has been employed to perform technical functions to assist the pharmacist in preparing and dispensing prescription medications;
- c. Respondent will notify the Board within fifteen (15) days of the change in status of any existing employee who, as any part of his or her job, begins to perform technical functions to assist the pharmacist in preparing and dispensing prescription medications;
- d. Respondent will maintain a perpetual inventory on all schedule II controlled substances;

- e. No less frequently than every 12 months, Respondent will perform an inventory on all controlled substances;
  - f. Respondent will maintain, in a format that is readily retrievable upon request by the Board, the items in subsections (a), (d) and (e) above; and
  - g. Respondent's pharmacy will be subject to random inspection by the investigators from the Board.
4. Respondent shall violate no laws governing the practice of pharmacy or the distribution of drugs;
5. Respondent shall violate no rules and regulations of the Board;
6. If Respondent fails to comply with the terms or conditions of this Consent Order, Respondent may be subject to additional disciplinary action by the Board.

This the 15<sup>th</sup> day of September, 2009.

NORTH CAROLINA BOARD OF PHARMACY

By:

  
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Jack W. Campbell, IV  
Executive Director

Sandi Bryant, the holder of license number 12099, has full knowledge that she has the right to a formal hearing, at which she would have the right to be represented at her 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, she certifies that she has read the foregoing Consent Order and that she 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 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.

The undersigned understands that she has the right to have counsel of her choice review and advise her with respect to her rights and this Consent Order, and represents that she enters this Consent Order after consultation with her counsel or after knowingly and voluntarily choosing not to consult with counsel.

ACCEPTED AND CONSENTED TO BY:

Sandi Bryant Date 15 Sept 09  
SANDI BRYANT (License No. 12099)

NORTH CAROLINA

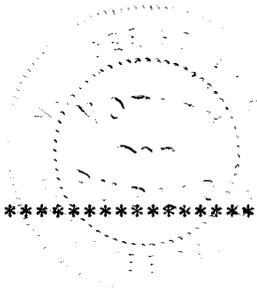
Buncombe COUNTY

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: \_\_\_\_\_

Date: 09/15/2009

V. Roger Headrick  
Notary Public

My commission expires: 06/03/2014



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REJECTED BY:

\_\_\_\_\_ Date \_\_\_\_\_  
SANDI BRYANT (License No. 12099)