

STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY



In the Matter of:

Carolyn Covert
(License No. 7426)

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CONSENT ORDER

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 18, 2010 and, after appropriate notice, was heard on that day by Board member L. Stan Haywood at the offices of the Board. Respondent Carolyn Covert (License No. 7426) (hereinafter, "Respondent" or "Covert") was present. Counsel Joseph Ponzi represented the Board. Members of the Board's investigative staff and other Board 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 Board 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 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. 7426. During all times relevant hereto, Respondent was employed as a pharmacist at Rite Aid, Permit No. 9574, located at 1909 North Church Street, Burlington, North Carolina (the "Subject Pharmacy"). Respondent is and was, at all relevant times referenced to herein, subject to the rules and regulations of the Board and the laws of the State of North Carolina.

3. On March 20, 2009, while employed at the Subject Pharmacy, Respondent diverted five (5) dosage units of hydrocodone/APAP 10/325 mg (a schedule III controlled substance), five (5) dosage units of Naproxen 500 mg, and two (2) dosage units of Amlodipine 5 mg. Respondent consumed some or all of each of these drugs, for which she did not have or present a valid prescription, while on duty.

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), and 90-85.40(b) and (f), 90-106, 90-108, 106-134 and 106-134.1; and 21 N.C.A.C. 46 .1805 and 46 .2302; and 21 U.S.C. §§ 331, 353, 829 and 842.

2. Respondent admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on her 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 the license of Respondent Covert, License No. 7426, is hereby SUSPENDED for fourteen (14) days, to be served consecutively, commencing within 30 days of the date that the Executive Director executes this Order after Board approval, with Respondent to notify the

Executive Director in writing and return her wallet card, renewal and license in advance of service of the suspension. The active suspension shall commence on a Monday at 12:01 a.m. and run for fourteen full, consecutive 24-hour days. During the term of her suspension, Respondent may not be present in any pharmacy, except as a customer.

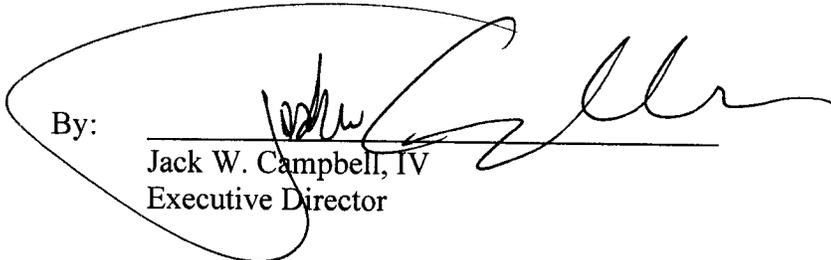
In addition, Respondent shall violate no laws governing the practice of pharmacy or the distribution of drugs, and Respondent shall violate no rules or regulations of the Board.

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

This the 16th day of February, 2010.

NORTH CAROLINA BOARD OF PHARMACY

By:



Jack W. Campbell, IV
Executive Director

Carolyn Covert, the holder of license number 7426, 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 further understands and agrees that she will be required to personally appear and petition the Board to accept this Consent Order before it can be 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.

CONSENTED TO BY:

Carolyn Covert Date 2/4/10
Carolyn Covert
(License No. 7426)

NORTH CAROLINA

Alamance 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: Carolyn Covert

Date: 2/4/10

Justin C. Church
Notary Public
Justin C. Church

My commission expires: 4/11/2010