

**STATE OF NORTH CAROLINA  
NORTH CAROLINA BOARD OF PHARMACY**

**IN THE MATTER OF**

**JANICE DEICHERT  
(License No. 17913)**

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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, the "Board") pursuant to 21 N.C.A.C. 46 .2008. This Conference was scheduled for May 12, 2014, and, after appropriate notice, was heard on that day by Board member Dr. J. Parker Chesson, Jr. at the offices of the Board. Respondent Janice Deichert (License No. 17913) (hereinafter, "Respondent") was present at the Conference and was represented by counsel James A. Wilson. Counsel Clinton R. Pinyan 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 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 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. 17913. 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 February 26, 2013, Respondent was employed at CVS Pharmacy, 3966 South Main Street, Hope Mills, North Carolina. On that date, Respondent negligently dispensed Topiramate 50 mg to a patient who had been prescribed Tramadol 50 mg.

4. Between May 7, 2013 and June 16, 2013, on three occasions, Respondent had a personal prescription for Hydrocodone/APAP 10 mg/325mg refilled sooner than permitted.

5. Respondent testified that she filled her prescriptions sooner than permitted. However, all evidence presented to the Board was consistent with Respondent's explanation that she has not consumed more controlled substances than had been prescribed and had not consumed any controlled substances at all since August 2013.

6. Although early refills are often an indicator of substance abuse problems, in this case, the Board credits Respondents' explanations. Although the early refills were dispensed unlawfully, in this case, the Board does not find, without more, that Respondent either has indulged in the use of drugs to an extent that renders her unfit to practice pharmacy or has developed a substance abuse problem that renders her unfit to practice pharmacy with reasonable skill, competence and safety to the public.

#### **CONCLUSIONS OF LAW**

Based on the above findings, the Board concludes as a matter 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 and conclusions of law above, constitutes grounds for discipline pursuant to North Carolina General Statutes §§ 90-85.38(a)(6), (7) and (9) because Respondent's acts were in violation of N.C. Gen. Stat. §§ 90-106, 106-122 and 106-134.1; and 21 N.C.A.C. 46 .1805.

3. 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.

### **CONCLUSIONS REGARDING DISCIPLINE**

Based upon the foregoing Findings of Fact and Conclusions of Law, and with the consent of the Respondent, IT IS THEREFORE ORDERED that:

1. The license of Respondent Janice Deichert (License No. 17913) is hereby SUSPENDED for a period of SEVEN (7) DAYS. The suspension is stayed for a period of FIVE (5) YEARS from the date that this Order is accepted by the Board, upon the following conditions:

a. Respondent shall be subject to unannounced drug screens to be performed by the Board or its agents, and shall supply urine, blood, hair, nail, or any other bodily fluid or tissue sample required for the screening. Results of the screening shall not disclose the presence of any controlled substance or prescription drug that was not previously prescribed for Respondent by a practitioner acting in the normal course of medical treatment of Respondent, and they shall not disclose a level of alcohol indicative of impairment.

b. At least fourteen (14) days before beginning any work as a pharmacist in North Carolina, Respondent shall provide written notification of that employment to the Board's Executive Director.

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

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

e. Respondent shall cooperate with the Board, its attorneys, investigators, and other representatives in any investigation or inspection.

2. If Respondent fails to comply with any terms or conditions of this Consent Order, the stay of Respondent's suspension shall be terminated and Respondent may be subject to additional disciplinary action by the Board.

This the 17<sup>th</sup> day of June, 2014.

NORTH CAROLINA BOARD OF PHARMACY

By:

  
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Jack W. Campbell, IV  
Executive Director

Janice Deichert, the holder of license number 17913, 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.

CONSENTED TO BY:

Janice M. Deichert Date 06/02/2014  
JANICE DEICHERT  
(License No. 17913)

NORTH CAROLINA

Cumberland 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: Janice Deichert.

Date: June / 02 / 2014

Vernexia L Love  
Notary Public  
Vernexia L Love

My commission expires: Feb 28, 2018



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OBJECTED TO BY:

\_\_\_\_\_ Date \_\_\_\_\_  
JANICE DEICHERT  
(License No. 17913)