

STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY

IN THE MATTER OF)
)
EUNICE ESHUN) **CONSENT ORDER**
License No. 17925)
_____)

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 January 14, 2008 and, after appropriate notice, was heard on that day at the office of the North Carolina Board of Pharmacy (hereinafter, "Board") by Board member L. Stan Haywood. Respondent Eunice Eshun was present at the conference and represented by her counsel, George Hearn. Board Counsel Nicole Crawford and members of the Board's investigative and legal staff were present at this conference, as were related respondents and their representatives.

FINDINGS OF FACT

1. Respondent Eunice Eshun is licensed by the Board to practice pharmacy and is the holder of license number 17925. At all relevant times, Respondent Eshun was the pharmacy-manager of CVS/Pharmacy (Permit No. 6641), 2206 Union Road, Gastonia, North Carolina 28054.
2. As set forth more specifically herein, at various times between April 2006 and May 2007, Respondent Eshun, as pharmacist-manager, supervised four technicians employed by the permit holder who were required to be registered with the Board, but who were not registered.
3. Mary Hughes was hired by the permit holder and supervised by Respondent Eshun beginning in April 2006. Ms. Hughes performed the duties of a technician

until her employment terminated in November 2006. Ms. Hughes was never registered as a technician with the Board.

4. Linda Brown's registration with the Board became inactive in March 2006, while she was employed by the permit holder and supervised by Respondent Eshun. Until October 2006, the permit holder continued to employ Ms. Brown, who continued to perform the duties of a technician, and Respondent Eshun continued to supervise Ms. Brown, although Ms. Brown never renewed her registration with the Board.

5. Ashley Weekley was hired by the permit holder in 2006, and she performed the duties of a technician supervised by Respondent Eshun during 2006 and 2007. Ms. Weekley had been registered as a technician in West Virginia. In November 2006, Respondent Eshun informed Ms. Weekley that she was in violation of North Carolina law by not being registered in North Carolina. Ms. Weekley did not register with the Board until May 2, 2007, yet the permit holder continued to employ her and Respondent Eshun continued to supervise her.

6. Katie Phillips was employed by the permit holder and supervised by Respondent Eshun and performed the duties of a technician during 2006, while she was not registered with the Board.

7. Respondent Eshun has acknowledged the facts described above and acknowledged that she knew at various times during 2006 and 2007 that she was supervising unregistered technicians, but she allowed them to continue to perform the duties of technicians.

CONCLUSIONS OF LAW

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

1. Respondent Eshun violated N.C. Gen. Stat. §§ 90-85.15A, 90-85.38(a)(6) and (7), and 90-85.40(a) and (f).

2. Respondent Eshun 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:

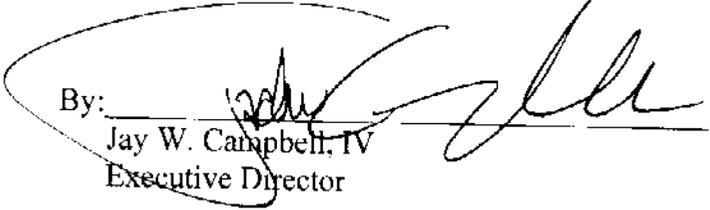
1. The license of Respondent Eunice Eshun, License No. 17925, is hereby suspended for seven (7) days, to be served as follows:
 - a. One day of the suspension must be served as an active suspension on any day of Respondent Eshun's choice, but must be served within sixty (60) days of the date that this Order is accepted by the Board. Respondent Eshun is required to give the Board two (2) weeks' written notice before serving the suspension.
 - b. The remaining six (6) days of the suspension are stayed for three (3) years upon the following conditions:
 - i. Respondent Eshun shall violate no laws governing the practice of pharmacy or the distribution of drugs, including specifically the laws requiring the registration of technicians working under her supervision as pharmacist-manager;
 - ii. Respondent Eshun shall violate no rules and regulations of the Board;
 - iii. During the stay period, Respondent Eshun shall advise the Board in writing and within 30 days of any change of the following:
 - (a) employment address or (b) change in practice status; and

iv. Respondent Eshun shall cooperate with the Board, its attorneys, investigators and other representatives in any investigation and compliance with the provisions of this Consent Order.

If Respondent fails to comply with any terms or conditions of this Order, the period of stay described above shall be lifted and Respondent may be subject to additional disciplinary action by the Board.

This the 17th day of February, 2008.

NORTH CAROLINA BOARD OF PHARMACY

By: 

Jay W. Campbell, IV
Executive Director

Eunice Eshun, the holder of license number 17925, has full knowledge that she has the right to a 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:

Eshun et c Date 2/1/08
Eunice Eshun
(License No. 17925)

NORTH CAROLINA

Gaston 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: Eunice Eshun

Date: 2-1-08

Linda H. Wright
Notary Public
Linda H. WRIGHT



My commission expires: 5-10-09