

STATE OF NORTH CAROLINA  
NORTH CAROLINA BOARD OF PHARMACY

IN THE MATTER OF )  
 )  
JAMES HEINZ ) **CONSENT ORDER TERMINATING**  
 ) **SUMMARY SUSPENSION**  
 )  
License No. 7351 )

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 April 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 Wallace E. Nelson. Respondent James Heinz ("Heinz") was present at the conference and represented by counsel, Douglas J. Brocker. Board Counsel Clinton R. Pinyan and members of the Board's investigative and legal staff were present at this conference.

**FINDINGS OF FACT**

1. Respondent James Heinz holds license number 7351. At all relevant times, Respondent Heinz was the pharmacist-manager at Eckerd Drugs, 244 Central Park Avenue, Pinehurst, North Carolina (Permit No. 8714), which became Rite Aid (Permit No. 9728).

2. During the time that Respondent Heinz was pharmacist-manager, pharmacy technicians and non-pharmacy employees diverted controlled substances from the pharmacy.



4. On March 25, 2008, the Board summarily suspended Respondent Heinz's license to practice pharmacy.





6. Respondent Heinz has requested termination of the summary suspension, pending the final disciplinary hearing on the complaint before the Board.

**CONCLUSIONS OF LAW**

In order to resolve the request for termination of the summary suspension, the Board finds and concludes that it is appropriate to grant the request for termination of the summary suspension. This conclusion is made solely to resolve the request for termination of the summary suspension. There is no admission, finding or conclusion about the merits of the complaint against Respondent Heinz, nor about any discipline that might or might not be appropriate after a final disciplinary hearing.

Based upon the foregoing, and with the consent of the parties, IT IS THEREFORE ORDERED that the request for termination of the summary suspension of Respondent Heinz's license, License No. 7351, is GRANTED. The summary suspension of Respondent Heinz's license is terminated, pending the Board's final hearing on the complaint against Respondent Heinz. Respondent Heinz shall cooperate with the Board, its attorneys, investigators and other representatives in any investigation.

This the 15<sup>th</sup> day of April, 2008.

NORTH CAROLINA BOARD OF PHARMACY

By: \_\_\_\_\_

Jay W. Campbell, IV  
Executive Director

James Heinz, the holder of license number 7351, has full knowledge that he has the right to a hearing on his request for termination of his summary suspension, 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 the request for termination of the summary suspension.

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:

James E Heinz Date 4-14-2008  
James Heinz  
(License No. 7351)

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: James Heinz.

Date: 4/14/2008

Cindy R Parham  
Notary Public

My commission expires: 10/14/2012

