

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:

ELIZABETH JOHNSON  
(License No. 6264)

)  
)  
)  
)  
)  
)

**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 19, 2015 and, after appropriate notice, was heard on that day by Board President Robert J. McLaughlin, Jr. at the office the Board. Respondent Elizabeth Johnson (hereinafter "Respondent" or "Johnson") was present and represented by counsel James A. Wilson. Counsel Clinton R. Pinyan represented the Board. Members of the Board's investigative staff and related respondents 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. 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 by his consent. 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 Elizabeth Johnson is, and was at all relevant times referred to herein, the holder of License No. 6264 and a pharmacist with CVS/pharmacy, located at 1224 North Norwood Street, Suite 12, Wallace, North Carolina (Permit No. 10797) (“the Pharmacy”). Johnson is, and was at all relevant times, subject to the rules and regulations of the North Carolina Board of Pharmacy and the laws of the State of North Carolina.

3. On or about February 10, 2014, Respondent erroneously dispensed Oxycodone IR 20 mg tablets (a schedule II controlled substance) to a patient who had been prescribed Oxycodone ER 20 mg tablets.

4. During the course of the investigation of this matter, the Board staff learned of eight (8) additional errors that Respondent committed between August 5, 2013 and April 4, 2014. The Board has considered those additional errors in determining the appropriate discipline in this matter. Those errors were as follows:

- On or about August 5, 2013, Respondent dispensed amlodipine 5 mg to a patient who had been prescribed amlodipine 10 mg.
- On or about November 13, 2013, Respondent dispensed metoprolol tartrate 100 mg with incorrect directions of “Take 1 tablet by mouth every day,” instead of the prescribed amount of one tablet twice per day.
- On or about December 2, 2013, Respondent dispensed clonidine HCL 0.1 mg to a patient who had been prescribed clonazepam 1 mg.
- On or about December 11, 2013, Respondent dispensed levothyroxine 75 mcg tablets to a patient who had been prescribed levothyroxine 88 mcg tablets. The

levothyroxine 75 mcg tablets dispensed were incorrectly labeled as levothyroxine 88 mcg tablets.

- On or about December 20, 2013, Respondent dispensed Hydrocodone-APAP 5/325 tablets (a schedule III controlled substance) to a patient who had been prescribed Hydrocodone-APAP 7.5/325 tablets.
- On or about March 10, 2014, Respondent dispensed metoprolol succinate ER 50 mg to a patient who had been prescribed metoprolol tartrate 50 mg.
- On or about March 28, 2014, Respondent dispensed two prescriptions, including hydrochlorothiazide 12.5 mg, to a patient different than the patient for whom the drugs had been prescribed.
- On or about April 4, 2014, Respondent dispensed Oxycodone 20 mg immediate release tablets (a schedule II controlled substance) to a patient who had been prescribed Oxycontin 20 mg extended release tables.

5. In addition, in determining the appropriate discipline in this matter, the Board has also considered that it issued a letter of caution to Respondent on June 8, 2005, for another dispensing error.

### 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 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.

§§ 90-85.40(f), 106-122(18), 106-134 and 106-134.1; 21 N.C.A.C. 46 .1805 and 46 .2501; and 21 U.S.C. § 331.

3. Respondent admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on her license under North Carolina General Statutes § 90-85.38(a)(6), (7) and (9).

### **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 Elizabeth Johnson (License No. 6264) is hereby REPRIMANDED.

2. Before she commences any further employment as a pharmacist, Respondent shall complete an error reduction continuing education class that is approved in advance by the Board's Executive Director and she shall provide the Executive Director with proof of completion.

3. Respondent shall provide documentation of any known or suspected errors to the Board's Executive Director within ten (10) business days of learning of such error.

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

5. Respondent shall violate no rules or regulations of the Board.

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

This the 17<sup>th</sup> day of March, 2015.

NORTH CAROLINA BOARD OF PHARMACY

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

  
Jack W. Campbell, IV  
Executive Director

Elizabeth Johnson, the holder of license number 6264, 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 that 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:

Elizabeth Johnson Date 2/16/15

ELIZABETH JOHNSON (License No. 6264)

STATE OF NC  
New  
Henover COUNTY

I, the undersigned Notary Public of the County and State aforesaid, do hereby certify that the following person personally appeared before me this day and acknowledged the due execution of the foregoing document: Elizabeth Johnson.

Date: 2-16-15

Virginia C Berry  
Notary Public

Virginia A. Berry - Henr

My commission expires: 8/5/18



\*\*\*\*\*

REJECTED BY:

\_\_\_\_\_ Date \_\_\_\_\_

ELIZABETH JOHNSON (License No. 6264)