

STATE OF NORTH CAROLINA  
NORTH CAROLINA BOARD OF PHARMACY

In the Matter of: )

KENNETH E. KASTEN )  
(License No. 17570) )

**CONSENT ORDER**

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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 February 15, 2016 and, after appropriate notice, was heard on that day by Board member Gene Minton at the offices of the Board. Respondent Kenneth E. Kasten (License No. 17570) (hereinafter, "Respondent" or "Kasten") was present, or was informed of his right to be present and waived that right. Counsel Andrew L. Rodenbough represented the Board.

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 his consent, Respondent also stipulates that he waives his 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. At all relevant times until January 7, 2016, Respondent was a pharmacist licensed to practice pharmacy in the State of North Carolina with License No. 17570.

3. At all relevant times, Respondent was employed as a pharmacist with North Carolina CVS Pharmacy, LLC, Permit No. 10793, located at 117-A Village Road, Leland, North Carolina.

4. On approximately eleven (11) occasions between June 11, 2104 and October 24, 2015, Respondent falsified prescriptions for himself for non-controlled substances. On some of those occasions, Respondent had prescriptions for those medications that had expired, but he chose to falsify new prescriptions rather than seeing his physician.

5. On at least four (4) of those occasions, Respondent submitted charges for those falsified prescriptions to his insurer, causing the insurer to pay for prescriptions that were not legitimate.

6. On January 7, 2016, Respondent executed a voluntary surrender of his license for cause. On January 15, 2016, the Board received a request for reinstatement from Respondent.

#### 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)(4), (6), (7) and (9), 90-85.40(b) and (f), 106-122, 106-134 and 106-134.1; 21 N.C.A.C. 46 .1801, 46 .1805 and 46.1809; and 21 U.S.C. § 331.

2. Respondent admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on his license under N.C. Gen. Stat. § 90-85.38.

3. This Consent Order is accepted to resolve both Board staff's request for discipline in case number 2015-238, as well as Respondent's request for reinstatement of his license.

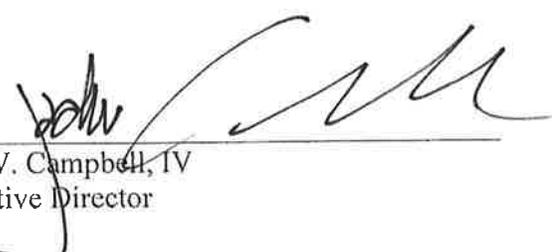
Based upon the foregoing, and with the consent of the parties, IT IS THEREFORE ORDERED that the license of Respondent is hereby SUSPENDED for forty (40) days, which shall be treated as having been served from the time of Respondent's voluntary surrender on January 7, 2016 until the date of the Board's adoption of this Order.

In addition, IT IS HEREBY ORDERED that the license of Respondent is hereby RESTRICTED in that, for a period of six (6) months from the date of the Board's adoption of this Order, Respondent shall not serve as pharmacist-manager of any pharmacy.

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

This the 16<sup>th</sup> day of February, 2016.

NORTH CAROLINA BOARD OF PHARMACY

By: 

Jack W. Campbell, IV  
Executive Director

Kenneth E. Kasten, the holder of license number 17570, has full knowledge that he has the right to a formal hearing, 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 this matter.

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:

*Kenneth E. Kasten* Date *2/12/16*  
Kenneth E. Kasten  
(License No. 17570)

NORTH CAROLINA

*Brunswick* 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: Kenneth E. Kasten

Date: *2/12/2016*

*Karen A. Budziszewski*  
Notary Public  
*KAREN A. BUDZISZEWSKI*

My commission expires: *10-29-2016*



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OBJECTED TO BY:

Date \_\_\_\_\_

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Kenneth E. Kasten  
(License No. 17570)