

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:

Lora Michael
(License No. 12525)

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**REVISED
CONSENT ORDER OF
DISCIPLINE**

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 March 26, 2007 and, after appropriate notice, was heard on that day by Board member Robert McLaughlin, Jr. at the office the Board. The Respondent Lora Michael (License No. 12525) (hereinafter, "Respondent" or "Michael") was present and was represented by counsel George G. Hearn, Esq. Counsel Alexander Elkan 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 Lora Michael (License No. 12525) is, and was at all relevant times referred to herein, a pharmacist licensed to practice pharmacy in the State of North Carolina and employed at CVS Pharmacy, Permit No. 6684, located at 3369 Hickory Blvd., Hudson, North Carolina (the "Pharmacy"), and Michael and the Pharmacy are and were, 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 July 11, 2006, Michael erroneously dispensed from the Pharmacy to a client Methotrexate where the prescription called for Methadone.

4. On July 11, 2006, more than two Pharmacy Technicians were working at the Pharmacy under the supervision of one Pharmacist.

5. On July 11, 2006, neither the Pharmacy nor the pharmacist manager of the Pharmacy, Jeffrey Smith (License No. 6612) had applied for, or obtained, permission from the Board to have more than two Pharmacy Technicians working at the Pharmacy under the supervision of one Pharmacist.

6. Michael testified that the prescription in question was misread and misfilled.

CONCLUSIONS OF LAW

1. All parties are properly before the Board, and the Board has jurisdiction over Michael and the Pharmacy, and the subject matter of this proceeding.

2. Michael's conduct, as set out in the findings of fact above, constitutes grounds for discipline pursuant to 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 Respondent Michael, the Board enters the following:

CONSENT ORDER OF DISCIPLINE

1. The License to Practice Pharmacy of Respondent Lora Michael (License No. 12525) is hereby suspended for a period of three (3) days, which suspension shall be served as follows:

- a. Respondent Michael's license to practice pharmacy shall be actively suspended for a period of three (3) consecutive days, which active suspension shall commence at a time to be selected by the Respondent, but in any event, shall be served and completed by Respondent within ninety (90) days of the date of acceptance of this Consent Order by the Board of Pharmacy. The Respondent shall notify the Executive Director of the Board, in writing, at least ten (10) days prior to serving such active suspension of his intention to do so, and shall notify the Executive Director of the Board, in writing, within ten (10) days after completion of service of such active suspension. Respondent shall not be present in any pharmacy except as a customer during the active suspension of his license; and
- b. The three (3) day suspension of Respondent Michael's license shall be stayed. The stay shall continue in force only as long as Respondent Michael complies with the following conditions, within six (6) months from the date of acceptance of this Consent Order by the Board of Pharmacy:

- i. Michael shall enroll in, and successfully complete an appropriate continuing education Mediation Errors course to be selected by Michael in consultation with, and subject to the prior approval of the Executive Director of the Board.
- ii. Michael shall cooperate with the Board, its attorneys, investigators and other representatives in any investigation and comply with the provisions of this Consent Order;
- iii. Michael shall violate no laws governing the practice of pharmacy or the distribution of drugs; and
- iv. Michael shall violate no rules and regulations of the Board.

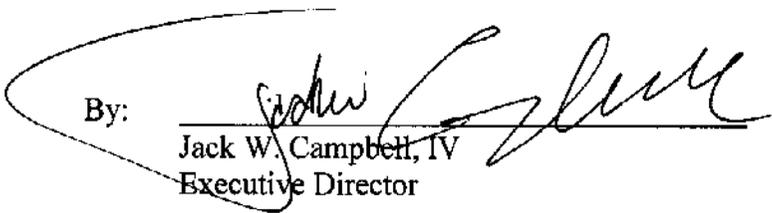
2. Respondent Michael is hereby formally reprimanded for her conduct as set forth herein.

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

This the 15th day of May, 2007.

NORTH CAROLINA BOARD OF PHARMACY

By:



Jack W. Campbell, IV
Executive Director

Lora Michael, the holder of license number 12525, 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 his 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:

Lora A. Michael Date 5-11-07
Lora Michael
(License No. 12525)

NORTH CAROLINA
Guilford 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: _____

Date: 5/11/07

April McAfee
Notary Public

APRIL MCAFEE
Notary Public
Guilford County, NC
My Commission Expires July 06, 2010

My commission expires: 7-5-2010

REJECTED BY:

_____ Date _____
Lora Michael
(License No. 12525)