

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:

ANGELA L. MANN

(License No. 10722)

)
)
)
)
)
)

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 October 17, 2016 and, after appropriate notice, was heard on that day by Board Member J. Andrew Bowman at the office of the Board. Respondent Angela L. Mann (hereinafter "Respondent" or "Mann") was informed of her right to be present and to be represented by counsel, and she waived those rights. 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 her consent. Based upon the consent of the parties, the Board hereby enters the following:

FINDINGS OF FACT

1. On February 21, 1990, Mann was granted license number 10722 by the North Carolina Board of Pharmacy.
2. On May 17, 1994, Mann was granted a license by reciprocity by the Alabama Board of Pharmacy. Mann has subsequently practiced in Alabama.

3. On November 2, 2009, Mann entered into a Monitoring Agreement with the Alabama State Board of Pharmacy's Committee on Rehabilitating Impaired Pharmacists ("CORIP"). On February 23, 2010, Mann's Alabama license was disciplined through a Consent Order following an investigation by the Alabama Board of Pharmacy into activities that Mann undertook while practicing in Alabama.

4. On June 15, 2010, this Board approved a Consent Order with Mann to resolve disciplinary allegations against her related to her. That Consent Order provided for a five (5) year suspension of Mann's North Carolina license, which was stayed, upon her compliance with a number of conditions. Among those, before February 23, 2015, Mann was required to:

- a. "[M]aintain strict compliance with CORIP's Monitoring Agreement;"
- b. Avoid "[a]ny positive drug screen;" and
- c. "[m]aintain full compliance with the Alabama Board of Pharmacy's Consent Order, as well as this Consent Order."

5. On February 18, 2015 –before the conditions on her license expired – Mann tested positive for the presence of opioids.

6. This positive drug screen violated Mann's Consent Order with this Board because:

- a. She failed to "[m]aintain strict compliance with CORIP's Monitoring Agreement;"
- b. She failed to avoid "[a]ny positive drug screen;" and
- c. She failed to "[m]aintain full compliance with the Alabama Board of Pharmacy's Consent Order, as well as this Consent Order."

7. Each of these requirements was a material term of the Consent Order.

8. On December 29, 2015, the Alabama Board of Pharmacy entered an order finding that Mann violated the terms of her 2010 Alabama consent order. The Alabama Board of Pharmacy's findings establish that Mann also violated her Consent Order with this Board.

9. This Board's Consent Order provides that the five (5) year suspension of Mann's license was stayed conditioned upon Mann's compliance with the provisions of the Consent Order. In addition, the Consent Order provides that any violations of the Consent Order may subject Respondent Mann to additional discipline by the Board. Finally, separate and apart from the terms of the Consent Order, the Board has the statutory authority to discipline pharmacists who violate the terms of the Board's Consent Orders.

CONCLUSIONS OF LAW

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

1. The evidence demonstrates that Respondent violated the following statutes, rules and decisional authority:
 - a. North Carolina General Statutes § 90-85.38(a)(6);
 - b. North Carolina General Statutes § 90-85.38(a)(7); and
 - c. The Board's Consent Order of June 15, 2010.
2. 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).

WHEREFORE, it is hereby ORDERED, ADJUDGED and DECREED that the full term of suspension set forth in the Consent Order shall be served as an active suspension.

Accordingly, the stay of the suspension of the license of Respondent Angela Mann is hereby rescinded.

The license of Respondent Mann is hereby SUSPENDED for FIVE (5) YEARS, which shall be served as an active suspension to be served consecutively and consist of the time period commencing at 12:01 a.m. on Wednesday, October 19, 2016, and running until 12:01 a.m. on Tuesday, October 19, 2021. Respondent Mann shall return her wallet card and license to the Executive Director in advance of service of the suspension. During the term of his suspension, Respondent Mann may not be present in any pharmacy in the State of North Carolina, except as a customer.

Before Respondent's Mann can be reinstated on or after October 19, 2021, Mann shall submit an application for reinstatement of her license. The Board shall then consider Mann's fitness to have her North Carolina license reinstated, including but not limited to, her compliance with her Monitoring Agreement with CORIP, her compliance with the Alabama Board's Consent Order dated December 29, 2016, and her compliance with the laws governing the practice of pharmacy and the laws governing drugs, devices and medical equipment.

Respondent Mann shall be subject to additional disciplinary action for any violations of this Consent Order.

This the 10th day of October, 2016.

NORTH CAROLINA BOARD OF PHARMACY

By: 

Jack W. Campbell, IV
Executive Director

Angela L. Mann, the holder of license number 10722, 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 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:

Angela L. Mann Date 10/7/16

ANGELA L. MANN (License No. 10722)

STATE OF Alabama

Madison 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: Angela L. Mann.

Date: 10/7/16

Cliff Mann
Notary Public
Cliff Mann

My commission expires: 12-27-17

REJECTED BY:

_____ Date _____

ANGELA L. MANN (License No. 10722)