

STATE OF NORTH CAROLINA
BOARD OF PHARMACY

IN THE MATTER OF)
)
DANIEL J. MCAULAY,) **CONSENT ORDER**
)
License Number 12311)

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 May 14, 2010 and, after appropriate notice, was heard on that day at the office of the North Carolina Board of Pharmacy (hereinafter, "Board") by Board member Dr. J. Parker Chesson, Jr. Board Counsel and members of the Board's investigative and legal staff were present at this conference. Mr. McAulay was informed of his right to be present at the conference, in person, and waived that right.

FINDINGS OF FACT

1. On July 27, 1993, Respondent Daniel J. McAulay was granted license number 12311 by the North Carolina Board of Pharmacy by reciprocity from the State of South Carolina.
2. Since his licensure in the State of North Carolina, Respondent has continued to practice pharmacy principally in the State of South Carolina.
3. On or about November 17, 2011, Respondent entered into a Consent Agreement with the South Carolina Board of Pharmacy following an investigation by the South Carolina Board of Pharmacy into activities that Respondent undertook while practicing in South Carolina.

4. The findings of fact and conclusions of law in the Consent Agreement are incorporated herein by reference, and Respondent admits and agrees to those findings of fact and conclusions of law.

5. The Consent Agreement provided for a six-month probationary period to be served Respondent, along with other conditions upon his license.

CONCLUSIONS OF LAW

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

1. Respondent Daniel J. McAulay violated N.C. Gen. Stat. § 90-85.38(a)(6).
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.

Based upon the foregoing, and with the consent of the parties, IT IS THEREFORE ORDERED that the license of Respondent Daniel J. McAulay is hereby disciplined as follows:

1. Respondent's license is hereby REPRIMANDED;
2. Respondent shall maintain full compliance with the South Carolina Board of Pharmacy's Consent Agreement, as well as this Consent Order;
3. Respondent shall cooperate with the Board, its attorneys, investigators and other representatives in any investigation and compliance with the provisions of this Consent Order;
4. Respondent shall violate no laws governing the practice of pharmacy or the distribution of devices or medical equipment; and
5. Respondent shall violate no rules and regulations of the Board.

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

This the 15th day of May, 2012.

NORTH CAROLINA BOARD OF PHARMACY

By: 

Jack W. Campbell, IV
Executive Director

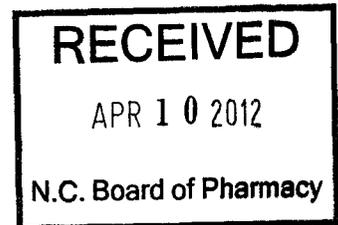
Daniel J. McAulay, the holder of license number 12311, has full knowledge that he has the right to a hearing, at which he would have the right to be represented at his expense by counsel, in this matter. The undersigned freely, knowingly and voluntarily waives such right by entering into this Consent 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.



ACCEPTED AND CONSENTED TO BY:

DANIEL J. MCAULAY (License No. 12311)

Daniel McAulay Date 4/2/12

STATE OF Georgia

Chatham 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: **Daniel J. McAulay.**

Date: April 2, 2012

Sheri Butler
Notary Public
Sheri Butler

My commission expires: June 18, 2013

