

STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY

IN THE MATTER OF)
)
MARK S. MCKINNEY,) **CONSENT ORDER**
)
License Number 18717)

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 June 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 Robert McLaughlin, Jr. Board Counsel and members of the Board's investigative and legal staff were present at this conference. Mr. McKinney was informed of his right to be present at the conference, in person, and waived that right.

FINDINGS OF FACT

1. On January 17, 2007, Respondent Mark S. McKinney was granted license number 18717 by reciprocity with the State of Texas, where Respondent had been licensed since 1974. At all times since his licensure in the State of North Carolina, Respondent continued to practice in the State of Texas.

2. On May 5, 2009, Respondent's Texas license was disciplined through an Agreed Board Order following an investigation by the Texas Board of Pharmacy into activities that Respondent undertook while practicing in Texas.

3. The Agreed Board Order provided for a two-year suspension of Respondent's Texas license, stayed for two years, upon certain conditions.

CONCLUSIONS OF LAW

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

1. Respondent Mark McKinney 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 Mark S. McKinney is hereby SUSPENDED for a period of TWO (2) YEARS, which suspension shall be stayed until June 3, 2011, upon the following conditions:

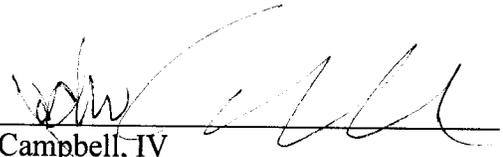
1. Respondent shall not serve as a preceptor during the term of the stayed suspension. Furthermore, this condition shall survive the termination of the stayed suspension and shall continue as a condition on Respondent's license until June 3, 2014;
2. Respondent shall cooperate with the Board, its attorneys, investigators and other representatives in any investigation and compliance with the provisions of this Consent Order;
3. Respondent shall violate no laws governing the practice of pharmacy or the distribution of devices or medical equipment;
4. Respondent shall violate no rules and regulations of the Board;
5. Respondent shall promptly advise the Board of any changes in address, employer or practice standards, as well as any other factors affecting compliance with this Consent Order; and

6. Respondent shall maintain full compliance with both this Consent Order and the Texas Agreed Board Order.

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 18th day of June, 2010.

NORTH CAROLINA BOARD OF PHARMACY

By: 
Jay W. Campbell, IV
Executive Director

Mark McKinney, the holder of license number 18717, 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:

MARK MCKINNEY (License No. 18717)

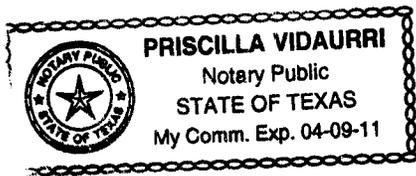
Mark McKinney Date 5/20/2010

STATE OF TEXAS
Bexar 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: **Mark S. McKinney.**

Date: 5/20/2010

Priscilla Vidaurri
Notary Public
Priscilla Vidaurri



My commission expires: _____