

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:

ERICA PIERCE
(License No. 16071)

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**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 September 16, 2013 and, after appropriate notice, was heard on that day by Board member Gene Minton at the offices the Board. The Respondent Erica Pierce (License No. 16071) (hereinafter, "Respondent" or "Pierce") was present and was represented by Counsel Brenda Maloney Shafer. Counsel Tanisha Palvia 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 is, and was at all relevant times referred to herein, a pharmacist licensed to practice pharmacy in the State of North Carolina with License No. 16071, and was the pharmacist-manager for North Carolina CVS Pharmacy, LLC (Permit No. 10711), located at 5680 NC 42 Highway West, Garner, North Carolina ("CVS"). Respondent is and was, at all relevant times referenced to herein, subject to the rules and regulations of the North Carolina Board of Pharmacy and the laws of the State of North Carolina.

3. On January 12, 2011, Respondent, as both dispensing pharmacist and pharmacist-manager at CVS, unlawfully negligently refilled a patient's prescription for Alprazolam 2 mg (a Schedule IV controlled substance) ten days sooner than permitted by the prescription. On January 13, 2011, under Respondent's supervision as pharmacist-manager, R. Ph. Lauren Reece then refilled the same prescription again twice.

4. On February 1, 2011, Board investigators performed an inspection of the pharmacy and found the following violations by Respondent, as pharmacist-manager: (1) the pharmacy, the compounding room, the equipment, and the utensils were kept in an unsanitary and disorganized condition that posed a threat to the public health, safety, and welfare; and (2) she maintained a compounding log that did not have all of the information required by law.

5. When the pharmacy was reinspected on December 20, 2012, Board investigators found that Respondent, as pharmacy-manager, was still keeping the compounding room, equipment, and utensils in an unsanitary and disorganized condition that posed a threat to the public health, safety, and welfare.

CONCLUSIONS OF LAW

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

2. Respondent's conduct, as set out in the findings of fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 90-85.38(a)(6), (7) and (9) because Respondent's acts were in violation of N.C. Gen. Stat. §§ 90-85.40(b) and (f), 90-106, 90-108, 106-122, 106-134, and 106-134.1; 21 N.C.A.C. 46 .1601(a), 46 .1801(a), 46 .1802, 46 .1804, 46 .1810(4), (6), and (7), 46 .2501 and 46 .2502(a); and 21 U.S.C. §§ 331, 829, and 842.

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

Based upon the foregoing and with the consent of Respondent, IT IS THEREFORE ORDERED THAT:

Respondent Erica Pierce, License No. 16071, is hereby formally REPRIMANDED by the Board for failing to perform the pharmacist-manager duties of ensuring the safe and accurate dispensing of drugs and failing to keep the pharmacy in a sanitary and organized condition for the public health, safety, and welfare.

This the 19th day of November, 2013.

NORTH CAROLINA BOARD OF PHARMACY

By: 

Jack W. Campbell, IV
Executive Director

Erica Pierce, the holder of license number 16071, 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:

Erica Pierce Date 10-28-13
ERICA PIERCE (License No. 16071)

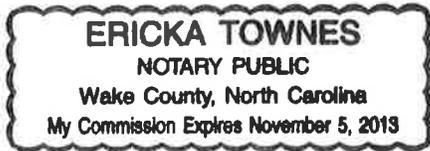
NORTH CAROLINA

Johnston 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: Erica Pierce

Date: Oct. 28, 2013

Erica Townes
Notary Public



My commission expires: Nov. 05, 2013

REJECTED BY:

_____ Date _____
ERICA PIERCE (License No. 16071)