

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:

James Robinson
(License No. 16484)

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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 November 19, 2007 and, after appropriate notice, was heard on that day by Board member Dr. J. Parker Chesson, Jr. at the offices the Board. The Respondent James Robinson (License No. 16484) (hereinafter, "Respondent" or "Robinson") was present and was represented by Counsel Doug Brocker. Counsel Sarah Phillips represented the Board. Members of the Board's investigative staff and other Board counsel 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 his consent, Respondent also stipulates that he waives his 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. 16484. Respondent was at all relevant times referred to herein, the pharmacist manager of Walgreens Pharmacy, Permit. No. 07813, located at 1902 West Franklin Boulevard, Gastonia, North Carolina (the "Pharmacy"). 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. The Pharmacy reported that between September 1, 2006 and February 19, 2007, approximately 3,800 dosage units of Schedule II, III, and IV medications were diverted.

4. Respondent testified that, as pharmacy manager, he did not take all steps necessary to ensure that these controlled substances were safe and secure within the Pharmacy or to maintain an adequate system of inventory record-keeping and control.

5. In January 2007 Respondent, after misplacing a prescription of Ambien, a Schedule IV medication prescribed to his girlfriend, re-filled the prescription without running the re-fill through the Pharmacy system. Respondent later found the original, misplaced prescription and took it home.

6. Respondent testified that, upon realizing he had filled the prescription twice, he intended to return the original Ambien prescription to the pharmacy. When he was confronted by the Pharmacy's loss prevention officer, he alerted the officer of its existence and handed it over. The original prescription had not been opened.

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 because Respondent's acts were in violation of N.C. Gen. Stat. §§ 90-106 and 21 N.C.A.C. 46.1802, 46.1805, and 46.2502(a) and (d).

CONCLUSIONS REGARDING DISCIPLINE

Based upon the foregoing Findings of Fact and Conclusions of Law, and with the consent of Respondent, the Board enters the following:

CONSENT ORDER OF DISCIPLINE

1. Respondent James Robinson's license to practice pharmacy (License No. 16484) is hereby suspended for three days. The suspension shall be stayed for a period of two (2) years. The stay is conditioned upon Respondent's compliance with the terms of this Consent Order. If at the end of the two (2) year period, Respondent has violated no terms of this Consent Order, Respondent shall not be required to serve the three day suspension;

2. Respondent shall advise the Board promptly in writing of any change of address or change in practice status;

3. Respondent shall obtain prior approval of all employment as a pharmacist from the Board's Executive Director;

4. Respondent shall not serve as a pharmacist manager of any pharmacy unless he obtains prior approval from the Board's Executive Director;

5. Respondent shall not serve as a preceptor of pharmacy students;

6. Respondent may not be employed as a pharmacist more than 40 hours per week, on average;

7. Respondent shall violate no laws governing the practice of pharmacy or the distribution of drugs;

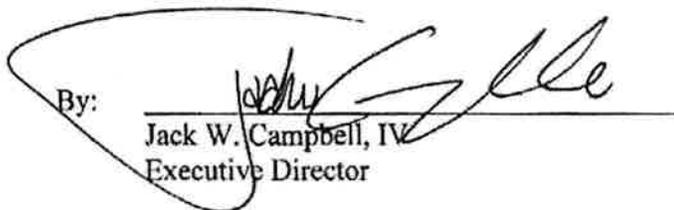
8. Respondent shall violate no rules and regulations of the Board;

9. 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 January, 2008.

NORTH CAROLINA BOARD OF PHARMACY

By:



Jack W. Campbell, IV
Executive Director

James Robinson, the holder of license number 16484, has full knowledge that he has the right to a formal 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:

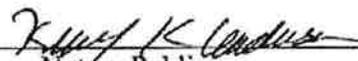

Date 12-4-2007
JAMES ROBINSON (License No. 16484)

NORTH CAROLINA

665th 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: James Thomas Robinson

Date: Dec 4 2007


Notary Public
Kelly K Anderson

My commission expires: Aug 20 08