

STATE OF NORTH CAROLINA  
NORTH CAROLINA BOARD OF PHARMACY

IN THE MATTER OF )  
 )  
KENNETH P. ROGERS, ) **CONSENT ORDER**  
 )  
License Number 9084 )  
\_\_\_\_\_

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. Rogers was informed of his right to be present at the conference, in person, and waived that right.

**FINDINGS OF FACT**

1. On July 26, 1985, Respondent Kenneth P. Rogers was granted license number 9084.
2. On December 4, 1985, Respondent was granted a license by reciprocity by the South Carolina Board of Pharmacy. Respondent subsequently practiced in South Carolina.
3. On September 8, 2008, Respondent's South Carolina license was disciplined through a Consent Agreement 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 in the Consent Agreement are incorporated herein by reference, and Respondent admits and agrees to those Findings of Fact.

5. The Consent Agreement provided for a three-year suspension of Respondent's South Carolina license, stayed for three years, upon certain conditions.

### CONCLUSIONS OF LAW

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

1. Respondent Kenneth P. Rogers 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 Kenneth P. Rogers is hereby SUSPENDED for a period of THREE (3) YEARS, which suspension shall be stayed until September 8, 2011, upon the following conditions:

1. During the term of the stayed suspension, Respondent shall not engage in compounding of any medications or sterile or non-sterile drugs, as defined in either N.C. Gen. Stat. § 90-85.3(c) or the law of the state where Respondent is practicing;
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 the South Carolina Consent Agreement.

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 15<sup>th</sup> day of June, 2010.

NORTH CAROLINA BOARD OF PHARMACY

By: \_\_\_\_\_

Jay W. Campbell, IV  
Executive Director

Kenneth P. Rogers, the holder of license number 9084, 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:

KENNETH P. ROGERS (License No. 9084)

Kenneth P. Rogers 9084 Date 5/20/10

STATE OF SC  
GREENVILLE 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: **Kenneth P. Rogers.**

Date: 5/20/10

Janice C Bone  
Notary Public  
SC

My commission expires: 4-1-17