STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY

I n the Matter of: MICHAEL ROGERS (License No. 6864)	))))))	**CONSENT ORDER**

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 March 8, 2010, and, after appropriate notice, was heard on that day by Board member Rebecca Chater at the offices of the Board. Respondent Michael Rogers (License No. 6864) (hereinafter, "Respondent" or "Rogers") was present. Counsel Clinton R. Pinyan represented the Board. Members of the Board's 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 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 Board 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, the holder of license number 6864 and was a pharmacist at Nature's Pharmacy (Permit No. 6491), located at 752 Biltmore Avenue, Asheville, North Carolina. Respondent is and was, at all relevant times referenced to herein, subject to the rules and regulations of the Board and the laws of the State of North Carolina.

3. Between January 1, 2008 and January 21, 2010, on more than 100 occasions, Respondent compounded and dispensed medications without a prescription.

4. After a Board investigator visited Respondent on or about April 15, 2009 and warned Respondent that he was violating the law, Respondent continued on at least one occasion to compound and dispense medications without a prescription.

CONCLUSIONS OF LAW

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

1. Respondent violated N.C. Gen. Stat. §§ 90-85.38(a)(6), (7) and (9), 90-85.40(f), 106-134 and 106-134.1; and 21 N.C.A.C. 46 .1804, 46 .1805 and 46 .2301; and 21 U.S.C. §§ 331, 352 and 355.

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 Michael Rogers, License No. 6864, is hereby SUSPENDED for one (1) day. That suspension shall be served as an active suspension to be served on a weekday within 45 days of the date that the Executive Director executes this Order after Board approval, with Respondent to notify the Executive Director in writing in advance of

service of the suspension. The active suspension shall commence on the day selected at 12:01 a.m. and run for the remainder of that 24-hour day. During the term of his suspension, Respondent may not be present in any pharmacy, except as a customer.

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 20th day of April, 2010.

NORTH CAROLINA BOARD OF PHARMACY

By: _____
Jack W. Campbell, IV
Executive Director

Michael Rogers, the holder of license number 6864, 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.

CONSENTED TO BY:

Michael V. Rogers Date 3-18-10

Michael Rogers
(License No. 6864)

NORTH CAROLINA

Buncombe 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: ~~William B. Check~~ Michael Rogers

Date: 3-18-2010

Julie S. Eggers
Notary Public
Julie S. Eggers

JULIE S EGGERS NOTARY PUBLIC BUNCOMBE COUNTY, NC

My commission expires: 5-15-2013

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OBJECTED TO BY: _____ Date_____

Michael Rogers
(License No. 6864)