

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:

ELVIS TANYI  
(License No. 19478)

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**CONSENT ORDER OF  
DISCIPLINE**

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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 October 14, 2013 and, after appropriate notice, was heard on that day by Board member J. Parker Chesson at the offices the Board. The Respondent Elvis Tanyi (License No. 19478) (hereinafter, "Respondent" or "Tanyi") was present and was represented by Counsel Thomas R. West. Valanda Nelson, Executive Director of the Pharmacist Recovery Network, was also present on behalf of Respondent. 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 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. 19478, and was employed at Rite Aid Pharmacy, located at 201 Trade Street, Henderson, North Carolina (“Rite Aid”). 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 Board’s investigation tends to show that on July 16, 2012, Respondent, while employed at Rite Aid, created a false prescription for 30 tablets of Oxycontin 20 mg (a schedule II controlled substance) and created false prescription records for those drugs.

4. The Board’s investigation tends to show that Respondent created the prescription because he believed the pharmacy was short 30 tablets of Oxycontin 20 mg in inventory, and he wanted time to account for the discrepancy in tablets. Respondent did not record the prescription he created on the patient’s profile and did not bill the prescription to insurance. Respondent paid for the medication with his own money. No medication was dispensed.

5. The Board’s investigation tends to show that Respondent was charged with Common Law Forgery. The charge was dismissed after Rite Aid failed to attend court to offer evidence and testimony. Respondent self-reported the charge to the Board.

6. The Board’s investigation further revealed that the 30 tablet Oxycontin 20 mg shortage was eventually located by the pharmacy and that there was not a shortage.

7. Valanda Nelson, Executive Director of the Pharmacist Recovery Network, stated that based on an assessment conducted by Pavillon, a residential and outpatient drug and alcohol treatment center, Respondent does not have a substance abuse problem.

8. Pavillon's assessment instead reported that Respondent suffers from an adjustment disorder with mixed anxiety and depressed mood and hypertension.

9. Pavillon's assessment further denotes that Respondent is safe to practice pharmacy. However, it was recommended by Pavillon that he enter outpatient psychotherapy equipped to provide counseling and cognitive behavioral therapy ("CBT") relative to Respondent's anxiety, stress management, and grief over the recent death of his mother who died of cancer at the time of the incident. Respondent's mother raised him as a single parent in their native country of Cameroon after Respondent's father abandoned the family. As a result of the recommendation from Pavillon, Respondent has commenced outpatient psychotherapy with a specific focus on management of anxiety, stress, and grief through CBT and plans to continue with such treatment going forward.

10. Respondent testified he was unaware he suffered from such anxiety before his assessment with Pavillon. Since his assessment, Respondent acknowledges he was suffering from extreme anxiety when he created the prescription at issue.

11. In 2009, Respondent received a Letter of Concern regarding a diversion by a technician in a pharmacy where Respondent was the pharmacy-manager. Also in 2009, Respondent received a Letter of Caution from the Board regarding a dispensing error and was required to complete an error reduction course.

### **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(f), 90-108, and 106-122; and 21 N.C.A.C. 46 .1804.

3. 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 Respondent, IT IS THEREFORE ORDERED THAT:

Respondent Elvis Tanyi, License No. 19478, is hereby formally REPRIMANDED by the Board for creating a prescription for 30 tablets of Oxycontin 20 mg and creating prescription records for those drugs in violation of the statutes cited hereinabove.

Additionally, Respondent's license to practice pharmacy is hereby indefinitely RESRICTED as follows:

1. Respondent shall not serve as a pharmacy manager or pharmacist in charge of any pharmacy; and
2. Respondent shall not serve as a preceptor of pharmacy students.

Respondent may apply to the Board, at an appropriate time, for removal of the two Restrictions. Respondent shall cooperate with the Board, its attorneys, investigators and other representatives in any investigation of compliance with the provisions of this Consent 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 19<sup>th</sup> day of November, 2013.

NORTH CAROLINA BOARD OF PHARMACY

By:   
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Jack W. Campbell, IV  
Executive Director

Elvis Tanyi, the holder of license number 19478, 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:

  
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ELVIS TANYI (License No. 19478)      Date 11/07/13

NORTH CAROLINA

Wake 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: Elvis Tanyi

Date: 11/7/2013

Sara C Moerbe  
Notary Public  
Sara C Moerbe

My commission expires: 6/2/2018



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REJECTED BY:

\_\_\_\_\_ Date \_\_\_\_\_  
ELVIS TANYI (License No. 19478)