

STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:

CHARITY WHITE
(License No. 17724)

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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 July 8, 2013 and, after appropriate notice, was heard on that day by Board member Carol Yates Day at the offices of the Board. Respondent Charity White (License No. 17724) (hereinafter, "Respondent" or "White") was present at the conference. Board Counsel Tanisha Palvia and members of the Board's investigative staff were present at this 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 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, a pharmacist licensed to practice pharmacy in the State of North Carolina with License No. 17724. At all relevant times, Respondent was a pharmacist at Bi-Lo Pharmacy, Permit No. 8922, located at 9815 Rose Commons Drive, Huntersville, North Carolina (the "Subject Pharmacy"). 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. On August 3, 2012, Respondent dispensed 90 dosage units of Oxycodone 15 mg, a schedule II controlled substance, to a patient who had a prescription with directions that it was not to be filled until August 4, 2012. In addition, the prescription had previously been presented to pharmacists at both the Subject Pharmacy and another pharmacy, both of whom had refused to fill it early. The pharmacist at the other pharmacy had called the physician to confirm that the prescription could not be filled until August 4, 2012 and had written a note on the face of the prescription that the physician had refused to authorize the prescription to be filled early. Respondent filled the prescription early notwithstanding both that note on the face of the prescription and her own pharmacy's prior refusal to fill the prescription early.

4. On August 6, 2012, Respondent dispensed 30 dosage units of Roxicodone 30 mg, a schedule II controlled substance, to a patient who had a prescription with directions that it was not to be filled until August 14, 2012. Respondent further failed to create records of the dispensing at the time that the prescription was filled and, on August 14, 2012, created incorrect records reflecting that the prescription was not filled until August 14, 2012.

5. On August 9, 2012, Respondent dispensed 20 Fentanyl 100 mcg patches, a schedule II controlled substance, in the parking lot of a Panera Bread Company to a patient who presented a prescription for only 13 patches. Respondent further mislabeled the drugs by

applying a label for a past prescription to the vial. In addition, Respondent failed to create records of the dispensing at the time that the prescription was filled and, on August 14, 2012, created incorrect records reflecting that the prescription was not filled until August 14, 2012.

CONCLUSIONS OF LAW

Based on the above findings, the Board concludes as a matter 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. §§ 90-85.38(a)(6), (7) and (9), 90-85.40(b) and (f), 90-106, 90-108, 106-122, 106-134 and 106-134.1; 21 N.C.A.C. 46.1801, 46.1802, 46.1805, and 46.2302; and 21 U.S.C. §§ 331, 829, and 842.
3. 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 the parties, IT IS THEREFORE ORDERED that the license of Respondent Charity White, License No. 17724, is hereby SUSPENDED for thirty (30) days. Of that suspension, seven (7) days shall be served as an active suspension to be served consecutively, commencing within 30 days of the date that the Executive Director executes this Order after Board approval, with Respondent to notify the Executive Director in writing and return her wallet card and license in advance of service of the suspension. The active suspension shall commence on a Monday at 12:01 a.m. and run for seven

full, consecutive 24-hour days. During the term of her suspension, Respondent may not be present in any pharmacy, except as a customer with a valid prescription.

The remaining twenty-three (23) days of the suspension shall be stayed for two (2) years from the date that this Order is accepted by the Board, upon the following conditions:

1. Respondent shall not serve as a pharmacy manager or pharmacist in charge of any pharmacy;
2. Respondent shall advise the Board promptly in writing of any change of address or change in practice status;
3. Respondent shall violate no laws governing the practice of pharmacy or the distribution of drugs; and
4. Respondent shall violate no rules or regulations of the Board.

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 17th day of September, 2013.

NORTH CAROLINA BOARD OF PHARMACY

By:



Jack W. Campbell, IV
Executive Director

Charity White, the holder of license number 17724, 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.

CONSENTED TO BY:

Charity White Date 8/6/2013
Charity White
(License No. 17724)

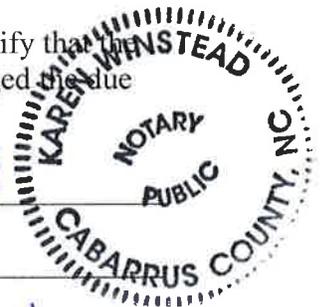
NORTH CAROLINA

Cabarrus 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: Charity White

Date: 8/6/2013

Karen Winstead
Notary Public
Karen Winstead



My commission expires: 11/7/2017

OBJECTED TO BY:

_____ Date _____
Charity White
(License No. 17724)