

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:

RYAN E. BULLOCK,
(Technician Registration No. 31960)

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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 January 19, 2015 and, after appropriate notice, was heard on that day by Board President Robert J. McLaughlin, Jr. at the office of the Board. Respondent Ryan E. Bullock (hereinafter "Respondent" or "Bullock") was present and represented by counsel Michael C. Allen. Counsel Clinton R. Pinyan represented the Board. Members of the Board's investigative staff and related respondents 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. 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 by his consent. 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 Ryan E. Bullock is, and was at all relevant times referred to herein, the holder of Technician Registration No. 31960 and subject to the rules and regulations of the North Carolina Board of Pharmacy and the laws of the State of North Carolina. Bullock's technician registration was issued on October 20, 2011 and has since been renewed annually. During the entire period that he has been registered, Bullock has been employed by Aeroflow, Inc., located at 3165 Sweeten Creek Road, Suite 101, Asheville, North Carolina (Permit No. 12185, as successor to 11050) ("the Pharmacy" or "Aeroflow"). In addition to serving as a technician for Aeroflow, Bullock has been part of the pharmacy's management, and Aeroflow's pharmacist-managers testified that Bullock was their supervisor. From August 2013 to the present, Bullock has served as Director of Operations and Chief Operating Officer at Aeroflow.

3. At all relevant times, Aeroflow specialized primarily in mail order prescriptions and had a limited number of walk-in patients. Aeroflow did not stock or dispense controlled substances at any relevant time.

4. Between August 2013 and June 2014, as part of the Aeroflow management, Bullock regularly provided technicians with the keys to the pharmacy and regularly permitted technicians to be present in the pharmacy without a pharmacist present. Bullock did so even though a Board investigator had specifically warned him of the legal requirements. Furthermore, even before he was Director of Operations and Chief Operating Officer, Bullock had been regularly present in the pharmacy as a technician without a pharmacist present since his registration in October 2011.

5. Between August 2013 and March 2014, as part of the Aeroflow management, Bullock did not schedule Aeroflow's pharmacist-managers to work so that they were regularly present for at least one-half the hours the pharmacy was open, or 32 hours per week, whichever is less. Bullock did so even though a Board investigator had specifically warned him of the legal requirements. Furthermore, even before he was Director of Operations and Chief Operating Officer, Bullock had been regularly present in the pharmacy as a technician when he knew that the pharmacist-managers were not providing adequate supervision since his registration in October 2011.

6. Between August 2013 and May 2014, as part of the Aeroflow management to whom Aeroflow had given responsibility for securing, renewing and verifying permits, Bullock did not secure a non-resident permit from the Commonwealth of Kentucky and, as a result, Aeroflow dispensed approximately 350 prescriptions into Kentucky without a permit to ship into that state and without the pharmacist-managers being licensed in Kentucky, as required by law. As a technician, Bullock personally assisted pharmacists in preparing and dispensing six prescriptions into Kentucky without a permit.

7. Between September 2013 and April 2014, as part of the Aeroflow management to whom Aeroflow had given responsibility for securing, renewing and verifying permits, Bullock did not appropriately note that Aeroflow had lost its permit to dispense into the State of Mississippi because its pharmacist-managers were not licensed in Mississippi, as required by law, and, as a result, Aeroflow dispensed approximately 25 prescriptions into Mississippi without a permit to ship into that state.

8. In August 2013, as part of the Aeroflow management to whom Aeroflow had given responsibility for securing, renewing and verifying registrations, Bullock did not

appropriately note that one technician's registration had become invalid, and Bullock continued to schedule her to perform the functions of a technician without her being registered with the Board.

9. Between August 2013 and November 2014, as Aeroflow management, Bullock participated in Aeroflow's activities in operating an internet pharmacy (fetchrx.com) that was not VIPPS certified. As a technician, Bullock personally assisted pharmacists in preparing and dispensing prescriptions that were received through fetchrx.com.

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 and conclusions of law above, constitutes grounds for discipline pursuant to North Carolina General Statutes § 90-85.15A(d)(4a) and (5) because Respondent's acts were in violation of N.C. Gen. Stat. §§ 90-85.15A(b1) and (c), 90-85.40(f); 21 N.C.A.C. 46 .1601(a)(1), (b)(3) and (4) and (d), 46 .2502(a), (b) and (e), 46 .2505 and 46 .3301; Kentucky Rev. Stat. §§ 315.030 and 315.0351; 201 KAR 2:205; Mississippi Code Ann. §§ 73-21-106 and 73-21-126; and Code of Mississippi Rules 50-018-301.

3. Respondent admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on his registration under North Carolina General Statutes § 90-85.15A(d).

CONCLUSIONS REGARDING DISCIPLINE

Based upon the foregoing Findings of Fact and Conclusions of Law, and with the consent of the Respondent, IT IS THEREFORE ORDERED that the registration of Respondent Ryan E. Bullock (Technician Registration No. 31960) is hereby REVOKED. As a result of the revocation, Respondent shall not be present in any pharmacy in the State of North Carolina, except as a customer with a valid prescription. Any petition for reinstatement or re-application shall be governed by the Board's Reapplication and Reinstatement Policy, which is incorporated herein by reference.

This the 21st day of April, 2015.

NORTH CAROLINA BOARD OF PHARMACY

By: 

Jack W. Campbell, IV
Executive Director

Ryan E. Bullock, the holder of technician registration number 31960, 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 that 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:



RyB

Date 3/17/15

RYAN E. BULLOCK (Technician Registration No. 31960)

STATE OF NC

Buncombe 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: Ryan E. Bullock.

Date: 3/17/15

Ashlie R Groff

Notary Public

My commission expires: 12/16/17

REJECTED BY:

_____ Date _____

RYAN E. BULLOCK (Technician Registration No. 31960)