

**STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY**

In the Matter of

JOANNE JOSEPH
Registration No. 4163

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FINAL ORDER

THIS MATTER came on to be heard before the North Carolina Board of Pharmacy (the "Board") on November 17, 2009, pursuant to a Notice of Hearing, dated October 30, 2009, and was heard by Board President Robert McLaughlin, Jr. and Board Members Rebecca W. Chater, Dr. J. Parker Chesson, Jr., Dr. Betty H. Dennis, L. Stan Haywood, and Wallace E. Nelson at the offices of the North Carolina Board of Pharmacy. Respondent Joanne Joseph (Technician Registration No. 4163) was present.

The Board heard testimony of Pharmacist Karen Hammond, Jason Smith, Respondent Joseph and William Windley. The Board received evidence offered by the Board staff without objection, which included depositions of Dr. Markandu Ketheeswaran and Pharmacist Rebecca Due, who were unavailable to testify, as well as prescription and other pharmacy records and documentary evidence. Considering the testimony and evidence, the Board hereby makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Between July 27, 1991 and July 21, 2009, Respondent was registered to work as a pharmacy technician by the Board and was the holder of registration number 4163.
2. Respondent was at all relevant times referred 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. Respondent was employed with CVS Pharmacy, Permit No. 6625, located at 3100 Legion Road, Hope Mills, NC as a pharmacy technician at all times relevant hereto, until June 11, 2009.

4. On or about May 12, 2009, Respondent initiated a prescription for two (2) tablets of Diazepam 10mg—a Schedule IV controlled substance—on behalf of her father. Respondent alleged that her father’s physician—Doctor Markandu Ketheeswaran—would authorize the prescription by phone. Dr. Ketheeswaran did not authorize the prescription, but Respondent prepared the medication in order to dispense it. Pharmacist Manager Rebecca Due refused to allow Respondent to dispense the medication without a valid prescription, and Respondent subsequently canceled the prescription.

5. Respondent then fraudulently created an unauthorized call-in prescription for two (2) tablets of Diazepam 10mg with the patient name “Roxie Avenue,” with the prescribing doctor listed as Dr. Beth Edwards (the “Roxie Avenue Prescription”). Respondent filled the Roxie Avenue Prescription and dispensed the medication to herself, for her father’s use, without paying for it.

6. On June 11, 2009, Respondent admitted that she created the falsified Roxie Avenue Prescription, and her employment was terminated.

7. The Board summarily suspended Joseph’s registration on July 21, 2009.

CONCLUSIONS OF LAW

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

1. The evidence demonstrates that Respondent violated the following statutes and rules:

a. North Carolina General Statutes § 90-85.15A(d)(5);

- b. North Carolina General Statutes § 90-85.40(b) and (f);
- c. North Carolina General Statutes § 90-106;
- d. North Carolina General Statutes § 90-108;
- e. North Carolina General Statutes § 106-134;
- f. North Carolina General Statutes § 106-134.1;
- g. 21 N.C.A.C. 46 .1805;
- h. 21 N.C.A.C. 46 .2301;
- i. 21 U.S.C. § 331;
- j. 21 U.S.C. § 353;
- k. 21 U.S.C. § 829; and
- l. 21 U.S.C. § 842.

2. Considering all of the facts and circumstances of this matter, the Board finds and concludes that the discipline set forth in this Final Order is appropriate.

WHEREFORE, it is ORDERED, ADJUDGED and DECREED that the registration of Respondent Joanne Joseph, Registration No. 4163, is hereby SUSPENDED INDEFINITELY. Other than the portion of the suspension that was actively served during the period in which Respondent Joseph's registration was summarily suspended, the remainder of the suspension shall be stayed indefinitely, such that Respondent is eligible to obtain a Technician Registration upon employment as a pharmacy technician, upon the following conditions:

- 1. Respondent Joseph shall violate no laws governing the practice of pharmacy or the distribution of drugs; and
- 2. Respondent Joseph shall violate no rules or regulations of the Board.


If Respondent Joseph fails to comply with any terms or conditions of this Final Order, Respondent may be subject to additional disciplinary action by the Board.

This the 17th day of ~~December~~, 2009.

November

NORTH CAROLINA BOARD OF PHARMACY

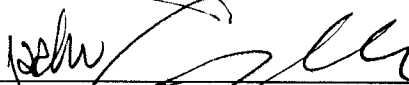
By:



Jack W. Campbell, IV
Executive Director

CERTIFICATE OF SERVICE

I certify that on December 9, 2009, I caused a copy of this Final Order to be served on Respondent by registered mail, return-receipt requested.



Jack W. Campbell IV
Executive Director