

STATE OF NORTH CAROLINA  
NORTH CAROLINA BOARD OF PHARMACY

In the Matter of: )  
)

Elaine Stephens )  
(Technician Registration No. 19011) )  
)  
)

**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 May 11, 2009 and, after appropriate notice, was heard on that day by Board member J. Parker Chesson at the offices of the Board. Respondent Elaine Stephens (Technician Registration No. 19011) (hereinafter, "Respondent" or "Stephens") was present. Counsel Joseph Ponzi 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 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 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. At all relevant times, Respondent was registered as a technician and was the holder of Registration No. 19011. Respondent was at all relevant times referred to herein, a technician at Walgreens Pharmacy, Permit. No. 07813, located at 1902 West Franklin Boulevard, Gastonia, North Carolina (the "Pharmacy"). 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. On April 24, 2007, Respondent diverted approximately ten (10) Valtrex tablets from the Pharmacy for her own personal use. Also, at some point between May 2006 and May 2007, Respondent diverted from the Pharmacy one package of Zithromax for use by a family member.

4. The Board summarily suspended Respondent's technician registration on November 20, 2007. Respondent's technician registration has remained suspended since November 20, 2007.

#### **CONCLUSIONS OF LAW**

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

1. Respondent violated N.C. Gen. Stat. §§ 90-81.15A(d)(5), 90-85.29, 90-85.40(b) and (f); and 21 N.C.AC. 46 .1805.

2. Respondent admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on her registration under N.C. Gen. Stat. § 90-85.15A(d).

3. Respondent has demonstrated good cause for approval of her eligibility for reinstatement of her technician registration, subject to the conditions set forth in this Order

Based upon the foregoing, and with the consent of the parties, IT IS THEREFORE ORDERED that:

1. The technician registration of Respondent, Registration No. 19011, is hereby SUSPENDED for a period of one year, such suspension having been satisfied by the active suspension already served.

2. Respondent is eligible to register as a technician at such time as she submits an application that conforms to the Pharmacy Practice Act and its regulations, if she qualifies for registration at the time of that application. Because a technician cannot register without active employment as a technician and Respondent does not have a current offer of employment, Respondent's registration is not restored at this time; however, Respondent is declared to be eligible to register at such time as she submits an application that conforms to the Pharmacy Practice Act and its regulations, if she qualifies for registration at the time of application.

This the 12<sup>th</sup> day of May, 2009.

NORTH CAROLINA BOARD OF PHARMACY

By: \_\_\_\_\_

Jack W. Campbell IV  
Executive Director

Elaine Stephens, the holder of technician registration number 19011, 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:

Elaine Stephens Date 5-11-09  
Elaine Stephens  
(Registration No. 19011)

NORTH CAROLINA

Durham 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: Elaine Stephens

Date: 5-11-09

Cindy R Parham  
Notary Public  
Cindy R Parham

My commission expires: 10/14/2012

