

STATE OF NORTH CAROLINA  
NORTH CAROLINA BOARD OF PHARMACY

In the Matter of: )  
)  
NORTH CAROLINA CVS PHARMACY, )  
LLC )  
(Permit No. 10796) )  
\_\_\_\_\_ )

**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 May 9, 2016, and, after appropriate notice, was heard on that day by Board President William A. Mixon at the offices of the Board. Respondent North Carolina CVS Pharmacy, LLC (Permit No. 10796) (hereinafter, “Respondent” or “CVS”) was present at the conference, through its representatives, and was represented by counsel. Board Counsel Andrew L. Rodenbough and members of the Board’s investigative staff were present at this conference, as were related respondents.

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 its consent, Respondent also stipulates that it waives its 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 holds Permit No. 10796 and is located at 1316-H North Broad Street, Edenton, North Carolina. 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 November 19, 2015, CVS erroneously and unlawfully dispensed one hundred and twenty (120) dosage units of oxycodone/APAP 10/325 mg, instead of the prescribed hydrocodone/APAP 10/325 mg.
4. At the time that the prescription was filled, workflow issues at the permitted location contributed to an increased risk of error.

## 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(b) because Respondent's acts were in violation of N.C. Gen. Stat. §§ 90-85.38(a)(6), (7), and (9) and 90-85.40(b) and (f); and 21 N.C.A.C. 46.1805 and 46.1811.
3. Respondent admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on its permit 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 permit of Respondent North Carolina CVS Pharmacy, LLC, Permit No. 10796, is hereby REPRIMANDED.

The admissions, findings, and conclusions contained herein are intended solely for the purpose of resolving this administrative case.

This the 7<sup>th</sup> day of September, 2016.

NORTH CAROLINA BOARD OF PHARMACY

By:



Jack W. Campbell, IV  
Executive Director

North Carolina CVS Pharmacy, LLC, the holder of permit number 10796, has full knowledge that it has the right to a formal hearing, at which it would have the right to be represented at its 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, it certifies that he has read the foregoing Consent Order and that it 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 it 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 it has the right to have counsel of its choice review and advise him with respect to its rights and this Consent Order, and represents that it enters this Consent Order after consultation with its counsel or after knowingly and voluntarily choosing not to consult with counsel. The undersigned certifies that its agent executing this Consent Order is duly authorized to accept the Consent Order on behalf of North Carolina CVS Pharmacy, LLC, and to bind the permit holder.

CONSENTED TO BY: NORTH CAROLINA CVS PHARMACY, LLC  
(Permit No. 10796)

By: *Karen Distefano* Date 8/15/16  
*Karen Distefano*  
*Director, Pharmacy Regulatory Affairs*

NORTH CAROLINA  
*Providence* 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 on behalf of North Carolina CVS Pharmacy, LLC:

\_\_\_\_\_  
Date: 8/15/16

*Susan J. Hartley*  
Notary Public

**Susan J. Hartley**  
My commission expires \_\_\_\_\_  
Notary Public  
State of Rhode Island  
My Commission Expires 07/01/2018

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OBJECTED TO BY: NORTH CAROLINA CVS PHARMACY, LLC  
(Permit No. 10796)

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