

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

IN THE MATTER OF

REALO DISCOUNT DRUGS
(Permit No. 8436)

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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, the "Board") pursuant to 21 N.C.A.C. 46 .2008. This Conference was scheduled for May 17, 2010, and, after appropriate notice, was heard on that day by Board member Dr. J. Parker Chesson, Jr. at the offices of the Board. Respondent Realo Discount Drugs (Permit No. 8436) (hereinafter, "Respondent") was present at the Conference, through its pharmacist-manager, Norman Lewis. Counsel Clinton R. Pinyan represented the Board. Members of the Board's investigative staff were also present at the Conference, as was a related respondent.

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 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 is, and was at all relevant times referred to herein, a pharmacy permitted by the State of North Carolina with Permit No. 8436, located at 104 Parkwood Drive, Snow Hill, North Carolina. 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 fifteen separate occasions between June 12, 2008 and December 15, 2008, Respondent dispensed carisoprodol to a patient sooner than permitted by the patient's prescription.

4. The patient was prescribed a fifteen-day supply of carisoprodol. Those drugs were dispensed sooner than permitted on the following occasions:

- a. Rx #1119370. Fifteen-day supply dispensed on June 12, 2008 by R. Ph. JDW;
- b. Rx #1119370. Fifteen-day supply dispensed on June 25, 2008 by R. Ph. NCL;
- c. Rx #1119370. Fifteen-day supply dispensed on July 7, 2008 by R. Ph. NCL;
- d. Rx #1124871. Fifteen-day supply dispensed on July 18, 2008 by R. Ph. NCL;
- e. Rx #1124871. Fifteen-day supply dispensed on July 25, 2008 by R. Ph. NCL;
- f. Rx #1124871. Fifteen-day supply dispensed on August 4, 2008 by R. Ph. NCL;
- g. Rx #1124871. Fifteen-day supply dispensed on August 15, 2008 by R. Ph. NCL;
- h. Rx #1119370. Fifteen-day supply dispensed on August 18, 2008 by R. Ph. NCL;
- i. Rx #1135887. Fifteen-day supply dispensed on October 27, 2008 by R. Ph. NCL;
- j. Rx #1135887. Fifteen-day supply dispensed on November 7, 2008 by R. Ph. JDW;
- k. Rx #1135887. Fifteen-day supply dispensed on November 18, 2008 by R. Ph. NCL;

- l. Rx #1135887. Fifteen-day supply dispensed on November 25, 2008 by R. Ph. NCL;
- m. Rx #1135887. Fifteen-day supply dispensed on December 3, 2008 by R. Ph. NCL;
- n. Rx #1141399. Fifteen-day supply dispensed on December 11, 2008 by R. Ph. JDW; and
- o. Rx #1141399. Fifteen-day supply dispensed on December 15, 2008 by R. Ph. JDW;

5. On some of these occasions, Respondent dispensed the medication early in a fashion that resulted in the patient receiving amounts in significant excess of the normal daily therapeutic dose.

6. In August 2008, Respondent's pharmacist-manager was informed that the patient's prescription had been filled earlier than prescribed, and Respondent's pharmacist-manager placed a note on the patient's profile warning that the prescription should not be refilled early. Notwithstanding that note, Respondent continued to dispense the medication early on at least seven occasions after its pharmacist-manager placed the note in the patient profile.

CONCLUSIONS OF LAW

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

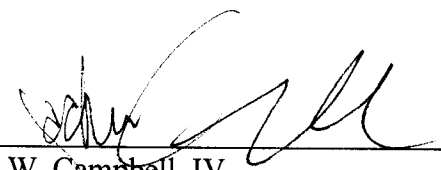
- 1. Respondent violated N.C. Gen. Stat. §§ 90-85.38(b) and 90-85.40(f); and 21 N.C.A.C. 46 .1801(a), 46 .1802, 46 .1804(a) and 46 .1805.
- 2. Respondent admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on its permit under N.C. Gen. Stat. § 90-85.38.

Based upon the foregoing, and with the consent of the parties, IT IS THEREFORE ORDERED that the permit of Respondent, Permit No. 8436, is hereby REPRIMANDED. Respondent further shall violate no laws governing the practice of pharmacy or the distribution of drugs and shall violate no rules or regulations of the Board.

This the 15th day of June, 2010.

NORTH CAROLINA BOARD OF PHARMACY

By:



Jack W. Campbell, IV
Executive Director

Realo Discount Drugs, Permit No. 8436, 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 it 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 represents and warrants that the undersigned agent is duly authorized to execute the Consent Order on behalf of Realo Discount Drugs.

CONSENTED TO BY: REALO DISCOUNT DRUGS (Permit No. 8436)

By: Norman Colon Lewis Date 5/25/2010

NORTH CAROLINA

Lenoir 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 acknowledged the due execution of the foregoing document: Norman Colon Lewis.

Date: 5-25-2010

Bonnie J. Hill
Notary Public
Bonnie J. Hill

My commission expires: November 25, 2012

OBJECTED TO BY: REALO DISCOUNT DRUGS (Permit No. 8436)

By: _____ Date _____