

STATE OF NORTH CAROLINA  
NORTH CAROLINA BOARD OF PHARMACY

IN THE MATTER OF )  
 )  
BRENDA WATSON-BURWELL ) CONSENT ORDER  
Registration Number 17437 )

THIS MATTER came on for consideration at a prehearing conference (the "Conference"), pursuant to 21 N.C.A.C. 46 .2008, upon the request of the North Carolina Board of Pharmacy (the "Board") for discipline to be imposed upon Brenda Watson-Burwell ("Watson-Burwell") and upon the request of Watson-Burwell for reinstatement of her registration as a technician in the State of North Carolina. The Conference was scheduled for January 17, 2011, and, after appropriate notice, was heard on that day at the office of the North Carolina Board of Pharmacy (the "Board") by Board member J. Parker Chesson, Jr. Watson-Burwell, Board Counsel, and members of the Board's investigative and legal staff were present at the Conference.

**FINDINGS OF FACT**

1. Between November 14, 2006, and December 1, 2009, Watson-Burwell was registered to work as a pharmacy technician by the Board and was the holder of registration number 17437.
2. At all times relevant hereto, Watson-Burwell was employed with Target Pharmacy, Permit No. 08219, located at 12000 Retail Drive, Wake Forest, North Carolina.
3. On both November 2 and 10, 2009, while on duty at Target Pharmacy, Watson-Burwell diverted Triamcinolone Cream without a valid prescription and dispensed it to herself in a fashion that comprised the purity of the drugs in the pharmacy.

4. Upon questioning by her employer and the Board investigator, Watson-Burwell admitted that she had diverted the Triamcinolone Cream.

5. After investigation, on December 1, 2009, Watson-Burwell voluntarily surrendered her registration for cause.

6. On or about October 11, 2010, Watson-Burwell requested that the Board reinstate her technician registration.

### CONCLUSIONS OF LAW

1. The evidence demonstrates that Watson-Burwell violated one or more of the following statutes and rules:

- a. North Carolina General Statutes § 90-85.15A(d)(5);
- b. North Carolina General Statutes § 90-85.29;
- c. North Carolina General Statutes § 90-85.30;
- d. North Carolina General Statutes § 90-85.40(b) and (f);
- e. North Carolina General Statutes § 106-122;
- f. North Carolina General Statutes § 106-134; and
- g. North Carolina General Statutes § 106-134.1.

2. Watson-Burwell admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on her registration.

3. Considering all of the facts and circumstances of this matter, the Board finds and concludes that the discipline set forth in this Consent Order is appropriate but that Watson-Burwell has demonstrated good cause for approval of reinstatement of her technician registration, subject to the conditions set forth in this Consent Order.

Based upon the foregoing, and with the consent of the parties, IT IS THEREFORE ORDERED that Watson-Burwell's technician registration is hereby INDEFINITELY SUSPENDED as follows:

a. Watson-Burwell's technician registration is ACTIVELY SUSPENDED for a period of SIXTY (60) DAYS, which active suspension shall be considered to have been already served during the period of Watson-Burwell's voluntary surrender of her license.

b. The remainder of the INDEFINITE SUSPENSION of Watson-Burwell's technician registration is hereby STAYED INDEFINITELY, upon the following conditions:

i. Watson-Burwell shall advise the Board promptly in writing of any change of address, change of employment, or change in practice status.

ii. Watson-Burwell shall violate no laws governing the practice of pharmacy or the distribution of drugs.

iii. Watson-Burwell shall violate no rules or regulations of the Board.

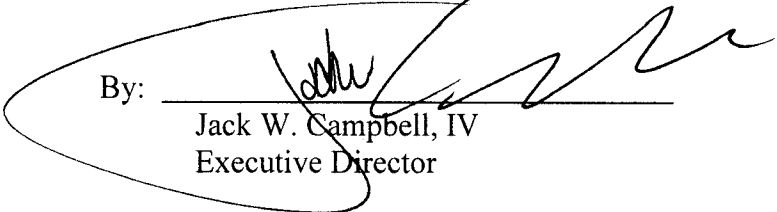
2. Watson-Burwell is eligible to register as a technician at such time as she submits an application that conforms to the Pharmacy Practice Act and its regulations, if she qualifies for registration at the time of that application.

3. If Watson-Burwell fails to comply with any terms or conditions of this Order, she shall be subject to additional discipline.

This the 15<sup>th</sup> day of February 2011.

NORTH CAROLINA BOARD OF PHARMACY

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

  
Jack W. Campbell, IV  
Executive Director

Brenda Watson-Burwell, the holder of Registration Number 17437, has full knowledge that she has the right to a 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.

ACCEPTED AND CONSENTED TO BY:

BRENDA WATSON-BURWELL (Registration Number 17437)

*[Handwritten Signature]*  
Date 02-14-11

STATE OF North Carolina

FranklinCOUNTY

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: **Brenda Watson-Burwell.**

Date: 2/14/2011

Wendy C. Gilliam  
Notary Public  
Wendy C. Gilliam

WENDY C. GILLIAM  
Notary Public, North Carolina  
Franklin County  
My Commission Expires  
December 01, 2011

My commission expires: 12/01/2011