

BEFORE THE TENNESSEE BOARD OF PHARMACY

IN THE MATTER OF:

DAVID H. PIERCE)
License No. C-3861)
1660 Branch Drive)
Lawrenceburg, Tennessee 38464)

CONSENT ORDER

WHEREAS, the Tennessee Board of Pharmacy is vested with the authority and jurisdiction by Tennessee Code Annotated, Section 63-10-209(a) to revoke or suspend any license if it finds the holder of such (4) has engaged in conduct prohibited or made unlawful by any of the provisions of this Chapter, or any other laws of the State or of the United States relating to drugs or to the practice of pharmacy; and

WHEREAS, David H. Pierce is a licensee of the Tennessee Board of Pharmacy and is therefore under its jurisdiction; and

WHEREAS, David H. Pierce acknowledges he was indicted December 16, 1992 by the United States District Court For The Middle District of Tennessee Columbia Division for the following:

1. distributing Schedule III and IV drugs without proper authorization;
2. using a Drug Enforcement Administration registration number which was fictitious, revoked, suspended, expired, or issued to another;
3. furnishing false or fraudulent material information in, or omitting information from any report or record required to be made, kept, or filed by law.

WHEREAS, on July 15, 1993 Respondent entered a guilty plea and was sentenced to thirty (30) months in a federal penitentiary; and


WHEREAS, David H. Pierce desires to settle all matters relative to his current infractions(s) of the above mentioned statute and avoid the necessity of a contested case hearing under the provisions of the Uniform Administrative Procedures Act, Title 4, Chapter 5 of Tennessee Code Annotated.

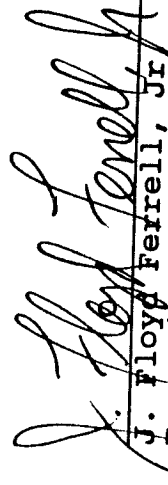
NOW, THEREFORE, in order to effectuate his desires and intentions, David H. Pierce does hereby consent and agree to the following:

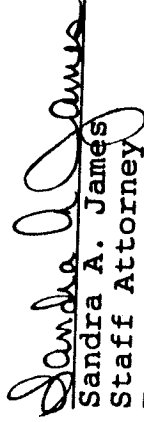
1. David H. Pierce's license to practice pharmacy #C-3861 is revoked effective August 16, 1993.
2. The State of Tennessee will seek no additional sanctions against the subject license by reason of the violations admitted herein by David H. Pierce as they relate to the practice of pharmacy in the State of Tennessee.
3. David H. Pierce understands and acknowledges that he has the right to a hearing under the provisions of the Uniform Administrative Procedures Act, Title 4, Chapter 5, of Tennessee Code Annotated, but that is he waiving the right in order to enter into this settlement, but that this waiver shall be of no force and effect in the event the Tennessee Board of Pharmacy should reject the proposed settlement. Furthermore, should this proposed settlement be rejected by the Tennessee Board of Pharmacy, it is agreed that the presentation to and consideration of this Consent Order by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation or resolution of these proceedings.


Upon a proper motion made, seconded and passed, the Tennessee Board of Pharmacy does hereby approve the settlements of the parties and same becomes the order of the Board.

Dated this 27 day of July, 1993.


Jimmy Wilson, President
Tennessee Board of Pharmacy


J. Floyd Ferrell, Jr.
Executive Director
Tennessee Board of Pharmacy


Sandra A. James
Staff Attorney
Tennessee Board of Pharmacy


David H. Pierce
Respondent

"This is to certify that this document is a true and original copy, as a matter of record, of the Tn. Board of Pharmacy Licensing and Regulatory Division" Page 3 of 3

Director  Date 11-18-93
Signature

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Ans'd.....