

**10A NCAC 26E .0605 PENALTIES**

(a) DHHS shall consider the following factors in determining the amount of each civil penalty assessed against a person who violates Chapter 90, Article 5E:

- (1) whether the violation involved an improper attempt to obtain or release information from the CSRS;
- (2) whether the person succeeded in improperly obtaining or releasing information from the CSRS;
- (3) whether the person committed the violation intentionally, knowingly, or negligently;
- (4) the frequency of the violations the person has committed; and
- (5) the number of violations the person has committed.

(b) DHHS shall consider these additional factors in determining the amount of civil penalty assessed against a pharmacy that employs dispensers who fail to report information in accordance with G.S. 90-113.73(e):

- (1) whether it is a first, second, third, or subsequent violation within a calendar year;
- (2) whether it is a continuing violation;
- (3) whether the pharmacy has acted in good faith in attempting to report the required information.

*History Note:* Authority G.S. 90-113.73; 90-113.75;  
Eff. November 1, 2022.