

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

IN THE MATTER OF

**James E. LaBranche
(License No. 12947)**

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**CONSENT ORDER OF
DISCIPLINE**

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. The Conference was scheduled for November 14, 2016, and, after appropriate notice, was heard on that day by Board member Stan Haywood at the offices of the Board. Respondent James E. LaBranche (License No. 12947) (hereinafter, “Respondent”) was present at the Conference and represented by Iain M. Stauffer as counsel. Counsel Andrew L. Rodenbough represented the Board. Members of the Board’s investigative staff were also present at the Conference.

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 his consent, Respondent also stipulates that he waives his 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 is, and was at all relevant times referred to herein, a pharmacist licensed to practice pharmacy in the State of North Carolina with License No. 12947. At all relevant times, Respondent was employed as a pharmacist-manager at CVS Pharmacy, Permit. No. 10432, located in Greensboro, North Carolina (the "Pharmacy"). 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 or about April 14, 2014, Respondent improperly and negligently counseled a patient regarding the potential interaction between sulfamethoxazole-tmp DS 800-160 and sprintec birth control medication by not adequately describing the potential effects of the sulfamethoxazole-tmp on the efficacy of sprintec.

4. Additionally, on or about July 8, 2015, Respondent erroneously and unlawfully dispensed methotrexate 2.5 mg with incorrect directions to take "2 tablets by mouth, once in the AM and once in the PM as directed" instead of the prescribed directions to "take 2 tablets by mouth once a week (one in the AM and one in the PM)."

5. The patient ingested an entire month's supply of the prescribed methotrexate in a three-day period. The patient suffered severe nausea, vomiting, and abdominal pain.

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 and conclusions of law above, constitutes grounds for discipline pursuant to North Carolina General Statutes §§ 90-85.38(a)(7) and (9), 90-85.40(f), and 106-134.1; and 21 N.C.A.C. 46.2504.

3. Respondent admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on his license under N.C. Gen. Stat. § 90-85.38(a).

CONCLUSIONS REGARDING DISCIPLINE

Based upon the foregoing Findings of Fact and Conclusions of Law, and with the consent of the Respondent, IT IS THEREFORE ORDERED that the license of Pharmacist James E. LaBranche, License No. 12947, is hereby REPRIMANDED.

This the 17^m day of January, 2016.

NORTH CAROLINA BOARD OF PHARMACY

By:



Jack W. Campbell, IV
Executive Director

James E. Labranche, the holder of license number 12947, has full knowledge that he has the right to a formal hearing, at which he would have the right to be represented at his 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, he certifies that he has read the foregoing Consent Order and that he 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 he 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 he has the right to have counsel of his choice review and advise him with respect to his rights and this Consent Order, and represents that he enters this Consent Order after consultation with his counsel or after knowingly and voluntarily choosing not to consult with counsel.

CONSENTED TO BY:

James E. LaBranche Date 1-11-17
James E. LaBranche
(License No. 12947)

NORTH CAROLINA

Guilford 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: James E. LaBranche.

Date: Jan. 11, 2017

Julie A McCray
Notary Public
Julie A McCray

My commission expires: 1-16-2021



OBJECTED TO BY:
(License No. 12947)

_____ Date _____
James E. LaBranche