

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:

Leonardo Bennett

(License No. 16104)

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CONSENT ORDER

This matter came on for consideration at a prehearing conference (hereinafter "conference") pursuant to 21 N.C.A.C. 46 .2008. This conference was scheduled for January 15, 2007 and was heard on that day at the Board office before Board member Joey McLaughlin. Also present at the conference were the following: Jason Smith, Board Investigator; Karen Matthew, Director of Investigations and Inspections; Anna Baird Choi, Counsel for the Board; multiple representatives of Eckerd Pharmacy; George Hearn, counsel for Eckerd Pharmacy and Leo Bennett; and Leo Bennett (Respondent Pharmacist). Based upon the record in this proceeding and the statements and materials presented at the conference, the Board makes the following:

FINDINGS OF FACT

1. Respondent Pharmacist is licensed to practice pharmacy by the Board and is the holder of license number 16104. At all relevant times, Respondent Pharmacist was employed at Eckerd Pharmacy, permit number 8606, located at 508 Highway 29N, China Grove, North Carolina as a staff pharmacist.
2. In or about May and June of 2006, the Board received two complaints from pharmacy staff alleging that Respondent Pharmacist spent a great deal of time on his cell phone while working at the above-referenced pharmacy and as a result, did not want to speak to or counsel patients.

3. On or about May of 2006, the Board received a third complaint from a patient who alleged that she had received Allopurinol with incorrect directions from the above-referenced pharmacy.
4. On March 28, 2006, Respondent Pharmacist dispensed Allopurinol 300mg tablets with directions to "take 1 tablet 2 times a day."
5. The prescription order was written for Allopurinol with instructions to take the medication once a day.
6. The patient took the medication twice daily for approximately 20 days. She reported that she subsequently saw her physician who admitted her to the hospital for low potassium levels and kidney pains. The patient's hospital records indicate that she was admitted on April 21, 2006 and was discharged on April 26, 2006. The patient's physician informed Investigator Smith that the medication error was a contributing factor but not the sole cause of the patient's hospitalization, as she was in bad health and was chronically ill.

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

CONCLUSIONS OF LAW

1. Respondent Pharmacist admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on his license under G.S. 90-85.38.
2. Respondent Pharmacist violated the following statutes and rules when he failed to properly and accurately dispense medication:
 - a. G.S. 90-85.38(a)(6), (7), and (9);
 - b. G.S. 90-85.40;
 - c. G.S. 106-134.1; and

d. 21 U.S.C. 331 and 353.

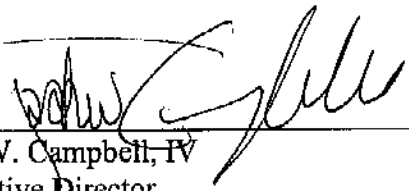
Based on the foregoing, and with the consent of the parties, IT IS THEREFORE,

ORDERED, as follows:

1. Respondent Pharmacist, license number 16104, is hereby warned.
2. Respondent shall attend a "live" error reduction continuing education class no later than one year from the date Respondent Pharmacist executes this Order. Respondent Pharmacist is advised that such courses are offered by the Campbell University School of Pharmacy and other institutions.
3. Within thirty (30) days from the date of completion of the above-referenced course, Respondent Pharmacist shall provide written documentation to the Board's Executive Director regarding his completion of the course.
4. Respondent Pharmacist shall cooperate with the Board, its attorneys, investigators, and other representatives in any investigation of his practice and compliance with the provisions of this Consent Order.
5. Respondent Pharmacist shall violate no laws governing the practice of pharmacy or the distribution of drugs.
6. Respondent Pharmacist shall violate no rules and regulations of the Board.
7. If Respondent Pharmacist fails to comply with any terms or conditions of this Consent Order, he may be subject to additional disciplinary action by the Board.

This the 20th day of February, 2007.

NORTH CAROLINA BOARD OF PHARMACY

By: 

Jack W. Campbell, IV
Executive Director

Leonardo Bennett, the holder of License #16104, has full knowledge that he has the right to a hearing and to be represented by counsel in this matter. He freely, knowingly, and voluntarily waives such right by entering into this Consent Order on behalf of License #16104. 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 out 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.

Leonardo Bennett, License #16104, accepts Board member Joey McLaughlin's proposal in this matter.

CONSENTED TO BY: Leonardo Bennett 2/5/07
Leonardo Bennett Date
License No. 16104

State of North Carolina
Mecklenburg County

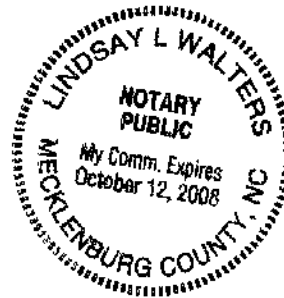
I, Lindsay L. Walters, a Notary Public for the above-named County and State, do hereby certify that Leonardo Bennett personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witnessed my hand and official seal

This the 5th day of February, 2007.

Lindsay L. Walters
Notary Public

Lindsay L. Walters
Typed or Printed Notary Name



My Commission Expires 10/12/2008

Leonardo Bennett, License No. 16104, does not accept the proposed Consent Order in this matter.

By: _____ Date _____
Leonardo Bennett
License No. 16104