

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:

Lewis T. Holder, RPh.)
 (License No. 5829)) CONSENT ORDER
)
)

This matter came on for consideration at a prehearing conference (hereinafter "conference") pursuant to 21 N.C.A.C. 46 .2008 on May 31, 2006. Board member Wallace Nelson presided. Also present at the conference were the following: Ken Wilkins, Investigator; Steve Hudson, Director of Investigations and Inspections; Anna Baird Choi, Board Counsel; and Lewis T. Holder ("Respondent"). 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 is a pharmacist licensed by the Board and is the holder of license number 5829. At all relevant times, Respondent was employed at Kerr Drug located at 625 Harper Avenue, SW, Lenoir, North Carolina as a staff pharmacist.
2. On February 10, 2005, the Board received a complaint from an individual who alleged that his grandmother (the patient) had received the wrong medication from the Kerr Drug pharmacy described above.
3. The investigation produced evidence to show that on or about February 3, 2005, Respondent dispensed Micronized Glyburide 6mg on a prescription refill for Detrol 2mg.
4. The patient was hospitalized on February 6, 2005 with symptoms consistent with hypoglycemia. During her hospitalization, it was discovered that she had been taking

Micronized Glyburide dispensed by Respondent on February 3, 2005. The patient was discharged on February 8, 2006 and there is no evidence of any long-term harm.

5. Upon learning of the error from hospital staff, Respondent prepared an incident report and also notified the Board's Executive Director of his error.

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

CONCLUSIONS OF LAW

1. Respondent admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on his license under G.S. 90-85.38.
2. Respondent violated the following statutes and rules when he dispensed and delivered Micronized Glyburide on a prescription refill for Detrol:
 - a. G.S. 90-85.38(a)(6), (7) and (9);
 - b. G.S. 90-85.40;
 - c. G.S. 106-122;
 - d. G.S. 106-134.1;
 - e. 21 N.C.A.C. 46 .1805; and
 - f. 21 U.S.C. 331, 352 and 353.

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

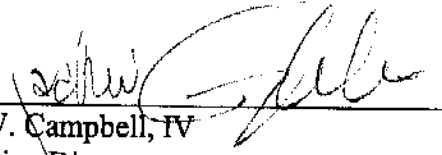
ORDERED, as follows:

1. Respondent Pharmacist, license number 5829, is hereby warned.
2. Within one (1) year of the Board's acceptance of this Consent Order, Respondent shall complete an ACPE error reduction course and shall submit documentation of his completion of the course to the Board's Executive Director.

3. Respondent shall cooperate with the Board, its attorneys, investigators, and other representatives in any investigation of its practice and compliance with the provisions of this Consent Order.
4. Respondent shall violate no laws governing the practice of pharmacy or the distribution of drugs.
5. Respondent shall violate no rules and regulations of the Board.
6. If Respondent fails to comply with any terms or conditions of this Consent Order, Respondent may be subject to additional disciplinary action by the Board.

This the 17th day of October, 2006.

NORTH CAROLINA BOARD OF PHARMACY

By: 

Jack W. Campbell, IV
Executive Director

Lewis T. Holder, the holder of License #5829, 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 #5829. 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.

Lewis T. Holder, License #5829, accepts Board member Wallace Nelson's proposal in this matter.

CONSENTED TO BY: Lewis T. Holder 8-25-06
Lewis T. Holder Date
License No. 5829

State of North Carolina
Alexander County

I, Teresa H. Cline, a Notary Public for the above-named County and State, do hereby certify that Lewis T. Holder personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witnessed my hand and official seal

This the 25 day of August, 2006, by Lewis T. Holder.

Teresa H. Cline
Notary Public

Teresa H. Cline
Typed or Printed Notary Name

My Commission Expires July 29, 2009



Lewis T. Holder, License No. 5829, does not accept the proposed Consent Order in this matter.

By: _____ Date _____
Lewis T. Holder
License No. 5829