

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter Of:

CVS/pharmacy)
(License No. 6662))

CONSENT ORDER

This matter is before the North Carolina Board of Pharmacy (the Board), pursuant to 21 North Carolina Administrative Code 46.2008, and with the consent of CVS/pharmacy, 505 S. Memorial Drive, Greenville, NC, (Respondent Pharmacy) to consider the entry of a Consent Order in lieu of an Administrative Hearing.

Respondent's Representative Mary Hobbs met with Board Member Wallace Nelson and Board staff in a pre-hearing conference on December 11, 2001, at the Board's office, Carrboro, NC. At that conference, Board Investigator Josh Kohler summarized the findings of an investigation into a report that, while working at Respondent Pharmacy, Pharmacist Linda Parham committed an error in the labeling of a prescription for Delzora Noble. Based on the investigative information and statements by Ms. Hobbs, the Board makes the following.

FINDINGS OF FACT

1. Permit #6662 was issued to Respondent Pharmacy on June 3, 1997, and renewed through the current year.
2. At the time relevant to this Order, Pharmacist Linda Parham was engaged in the practice of pharmacy at Respondent Pharmacy.
3. On or about March 27, 2001, Pharmacist Parham dispensed Hydroxyxine HCL 25mg to Delzora Noble with the directions for the product to be administered "11 tablets every 8-12 hours"; however, the prescription order directed that the product be administered 1 tablet ever 8-12 hours.

4. Patient Noble ingested 11 dosage units of Hydroxyxine HCL 25 mgs at one time as a result of this error. This resulted in the patient being treated at the Emergency Department of Pitt County Memorial Hospital, Greenville, NC.
5. Six other prescription-dispensing errors are documented against RPh. Linda Parham for the period of July 2000, through April 2001.
6. On October 24, 2000, the Board accepted a Consent Order wherein Respondent agreed to violate no laws or rules governing the practice of pharmacy during a two-year period.
7. Offers for patients to discuss the use of prescription drugs with a pharmacist was not offered in a positive manner to encourage acceptance, or otherwise was not offered.

CONCLUSIONS OF LAW

Respondent Pharmacy admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on the Permit under GS 90-85.38(a), (6), (7) & (9).

Respondent Pharmacy waives any further Findings of Fact and Conclusions of Law in this matter.

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

ORDER OF THE BOARD

1. That the Permit issued to Respondent Pharmacy by this Board be suspended for one day, with the suspension to occur on a day other than a weekend day, and within 30 days from the date of the Board's acceptance of this action. Respondent Pharmacy shall notify the Board at least seven (7) days in advance of the commencement of the period of active suspension of the permit. During the period of active suspension of the permit, there shall be a sign provided by the Board regarding the suspension of the permit prominently displayed at Respondent Pharmacy. The period of active suspension of the permit shall be preceded by Respondent Pharmacy giving notice to the public of the period of suspension at least fifteen (15) days in advance.
2. The terms and conditions of the Consent Order accepted by the Board remain in effect for two years from the date of the Board's acceptance of this action.

3. Within six (6) months from the date of the Board's acceptance of this Order, a management Representative of Respondent Pharmacy shall participate in a program designed to train pharmacists on counseling patients about the use of drugs. Campbell University currently has such a program titled "Back to Basics - Communication and Patient Counseling Skills for the Community Pharmacy Practitioner". If the Representative attends a program other than the one at Campbell University the program must be similar in subject matter as the Campbell University Program. Written documentation of the Representative's attendance at the counseling training program shall be received in the Board's Newton's office before the expiration of the six-month period following the Board's acceptance of the Order.

Additionally, within six months of the Representative attending the counseling-training program, they shall present a program to other pharmacists sharing the experiences of this event, the value of patient counseling, and the knowledge gained by attending the counseling training program. Written documentation of the Representative's participation in the training program for other pharmacists shall be received in the Board's Newton office, before the expiration of the twelve-month period following the Board's acceptance of the Order.

4. Written policies and procedures that effectively address compliance with 21NCAC46 shall be forwarded to the Board's Director of Investigations & Inspections within 30 days of the Board's acceptance of this action.
5. Documentation of employees training in the policies and procedures required by paragraph #4 shall be forwarded to the Board's Director of Investigations & Inspections in the Newton office within 30 days of the Board's acceptance of this action.
6. All reports required by this Order shall be forwarded to the Board's Newton office at P. O. Box 362, Newton, NC 28658.
7. Respondent shall violate no laws governing the practice of pharmacy or the distribution of drugs.
8. Respondent shall violate no rules or regulations of the Board.

This the 15th day of April, 200B

David R. Work
David R. Work
Executive Director

The Holder of Permit #6662 has full knowledge of the right to a hearing and to be represented by counsel in this matter, and freely, knowingly, and voluntarily waives such right by entering into this Consent Order. The Holder of Permit #6662 understands and agrees that by entering into this Consent Order, it voluntarily relinquishes any right to judicial review of Board actions, which may be taken concerning this matter. The Holder of Permit #6662 understands and agrees that this Consent Order will not become effective unless and until approved by the Board.

The Holder of Permit #6662 admits there is a factual basis for the Findings of Fact set forth herein and that the Findings of Fact support the Conclusions of Law. The Holder of Permit #6662 concurs with the foregoing Findings of Fact, Conclusions of Law, and Order of the Board and will not contest the Findings of Fact should further action be warranted in this matter.

The Holder of Permit #6662 accepts Board Member Wallace Nelson's proposal in this matter.

CONSENTED TO BY [Signature] 3/24/03
(NAME) (DATE)
Director Regels Corp
(TITLE)

State of Rhode Island
Providence County

I, Stephen E. Murphy, a Notary Public for the above named County and State, do hereby certify that Susan Dal Monaco personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witnessed my hand and official seal

This the 24 day of March, 2003.

Stephen E. Murphy #38550
Notary Public

STEPHEN E. MURPHY
NOTARY PUBLIC OF RHODE ISLAND
MY COMMISSION EXPIRES. 02/01/06

My Commission Expires: 02/01/2006

The Holder of Permit #6662 does not accept the proposed Consent Order in this matter.

(NAME) (DATE)

(TITLE)