

STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY

IN THE MATTER OF)
) **FINAL ORDER**
PUSHPESH BHANDARI)
License Number 12972)

THIS MATTER came on to be heard before the North Carolina Board of Pharmacy (the "Board") on November 18, 2008, and was heard by Board President Wallace E. Nelson and Board Members Robert McLaughlin, Jr., Dr. J. Parker Chesson, Jr. and Dr. Betty H. Dennis at the offices of the North Carolina Board of Pharmacy. Mr. Bhandari was present at the hearing. The Board heard testimony of Respondent Bhandari. Considering the testimony and evidence, the Board hereby makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. At all relevant times, Respondent Bhandari was licensed by the Board to practice pharmacy, with license number 16104.
2. On May 9, 2008, Respondent Bhandari accepted a proposed Consent Order to resolve a disciplinary complaint against Respondent Bhandari. The Consent Order was accepted by the Board on June 17, 2008.
3. The Consent Order states in pertinent part: "Respondent shall take and pass the Multistate Pharmacy Jurisprudence Examination (MPJE), administered by the national Association of Boards of Pharmacy (NABP), within 90 days of entry of this Order by the Board of Pharmacy."
4. Successful completion of the MPJE within 90 days was a material term of the Consent Order.

5. It is undisputed that Respondent Bhandari did not take and pass the MPJE within 90 days of the Consent Order.

6. It is undisputed that Respondent Bhandari took and passed the MPJE on October 22, 2008, more than 90 days from the date the Consent Order was accepted by the Board of Pharmacy.

CONCLUSIONS OF LAW

1. Respondent Bhandari has violated the terms of his Consent Order with the Board.

2. The Consent Order explicitly provides that the violation of the Consent Order may subject Respondent Bhandari to additional discipline by the Board. In addition, separate and apart from the terms of the Consent Order, the Board has the statutory authority to discipline pharmacists who violate the terms of the Board's Consent Orders.

3. The evidence demonstrates that Respondent violated one or more of the following statutes, rules and decisional authority:

- a. North Carolina General Statutes § 90-85.38(a)(6);
- b. North Carolina General Statutes § 90-85.38(a)(7); and
- c. The Board's Order of February 20, 2007.

4. Considering all of the facts and circumstances of this matter, the Board finds and concludes that the additional discipline set forth in this Final Order is appropriate.

WHEREFORE, it is hereby ORDERED, ADJUDGED and DECREED that the request for discipline is hereby GRANTED, and Respondent Bhandari's license to practice pharmacy is hereby disciplined as follows:

1. Respondent Bhandari's license to practice pharmacy is suspended for a period of three days, for the period of November 18, 2008 through and including November 20, 2008.

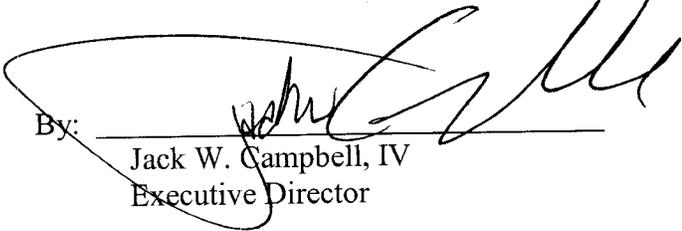
2. Respondent Bhandari shall violate no laws governing the practice of pharmacy or the distribution of drugs.

3. Respondent Bhandari shall violate no rules and regulations of the Board.

4. If Respondent Bhandari fails to comply with the terms or conditions of this Final Order, he may be subject to additional disciplinary action by the Board.

This, the 18^h day of November, 2008.

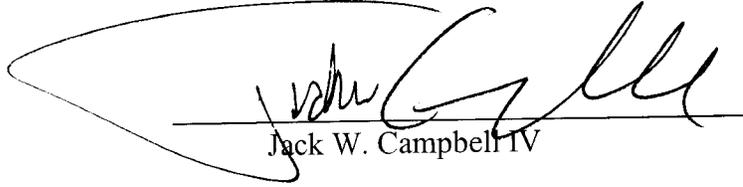
NORTH CAROLINA BOARD OF PHARMACY

By: 

Jack W. Campbell, IV
Executive Director

CERTIFICATE OF SERVICE

I certify that I caused a copy of this Order to be served on Respondent Bhandari by first-class mail, postage prepaid.



Jack W. Campbell IV