

STATE OF NORTH CAROLINA  
NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:

KWAME BOATENG  
(License No. 17166)

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**CONSENT ORDER**

THIS MATTER came on to be considered at a prehearing conference (hereinafter, "Conference") before a member of the North Carolina Board of Pharmacy (hereinafter, "Board") pursuant to 21 N.C.A.C. 46 .2008. This Conference was scheduled for March 8, 2010, and, after appropriate notice, was heard on that day by Board member Rebecca Chater at the offices of the Board. Respondent Kwame Boateng (License No. 17166) (hereinafter, "Respondent" or "Boateng") was present. Counsel Clinton R. Pinyan represented the Board. Members of the Board's 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, the holder of license number 17166 and the pharmacist-manager at Rite Aid Pharmacy (Permit No. 9804), located at 4133 Park Road, Charlotte, North Carolina. 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 September 17, 2008, October 15, 2008, November 18, 2008 and December 16, 2008, Respondent dispensed fluoxetine to a patient who also had a prescription for Celexa, resulting in the improper dispensing of duplicate prescriptions of selective serotonin reuptake inhibitors ("SSRIs"). Rite Aid, under Respondent's supervision as pharmacist-manager, maintained a drug utilization review ("DUR") system that did not raise sufficient alerts about the dispensing of duplicate SSRIs. Furthermore, Respondent unduly relied upon the absence of sufficient alerts, rather than exercising his own judgment about whether to dispense duplicate prescriptions of SSRIs.

4. On all four dates when the fluoxetine was dispensed, Respondent, as both pharmacist-manager and pharmacist on duty, permitted more than two technicians to work under Respondent's supervision without Board authorization, which contributed to an increased risk of patient harm:

- a. Respondent supervised more than two technicians from approximately noon to 4:00 p.m. on September 17, 2008;
- b. Respondent supervised more than two technicians from approximately noon to 5:00 p.m. on October 15, 2008;
- c. Respondent supervised more than two technicians from approximately 11:15 a.m. to 4:00 p.m. on November 18, 2008;

d. Respondent supervised more than two technicians from approximately 11:30 to 4:00 p.m. on December 16, 2008;

**CONCLUSIONS OF LAW**

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

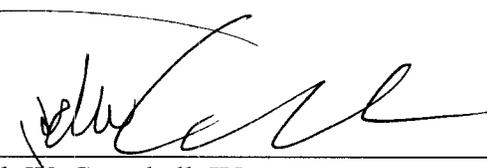
1. Respondent violated N.C. Gen. Stat. §§ 90-85.15A(c), 90-85.38(a)(6), (7) and (9) and 90-85.40(f), and 21 N.C.A.C. 46 .1802(a) and 46 .1804.
2. Respondent admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on his license under N.C. Gen. Stat. § 90-85.38.

Based upon the foregoing, and with the consent of the parties, IT IS THEREFORE ORDERED that the license of Respondent Kwame Boateng, License No. 17166, is hereby REPRIMANDED.

This the 20<sup>th</sup> day of April, 2010.

NORTH CAROLINA BOARD OF PHARMACY

By:

  
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Jack W. Campbell, IV  
Executive Director

Kwame Boateng, the holder of license number 17166, 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:

*[Signature]* Date 2/1/2010  
Kwame Boateng  
(License No. 17166)

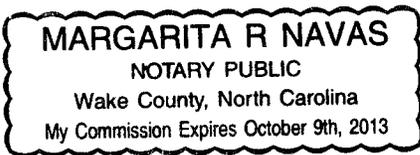
NORTH CAROLINA

Wake COUNTY

I, the undersigned Notary Public of the County and State aforesaid, do hereby certify that the following person(s) personally appeared before me this day, and each acknowledged the due execution of the foregoing document: Kwame Boateng

Date: 4/01/2010

*Margarita R. Navas*  
Notary Public



My commission expires: Oct 9th, 2013

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OBJECTED TO BY:

\_\_\_\_\_ Date \_\_\_\_\_

Kwame Boateng  
(License No. 17166)