



STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:)
)
)
Lyle Stuart Booker)
(License No. 8008))
)
)

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 January 18, 2010 and, after appropriate notice, was heard on that day by Board member Stan Haywood at the offices of the Board. Respondent Lyle Stuart Booker (License No. 8008) (hereinafter, "Respondent" or "Booker") was present.

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, a pharmacist licensed to practice pharmacy in the State of North Carolina with License No. 8008.

3. In late 2007, Respondent was selected at random to be audited for compliance with the statutes and rules requiring continuing education as a condition of licensure for the year 2006. G.S. § 90-85.17; 21 N.C.A.C. 46.2201. At that time, Board Rule .2201 required a licensee to obtain ten (10) hours of continuing education, five (5) of which being live or contact hours, as a condition of license renewal.

4. Respondent corresponded with the Board on January 27, 2008 stating that he had completed sufficient continuing education hours in 2006 for renewal, but that he could not locate documentation to substantiate the claim.

5. On April 2, 2008, the Board's Executive Director wrote to Respondent with a proposal to resolve the matter by conditioning Respondent's ability to renew his license for 2009 on his completing twenty-five (25) hours of continuing education, thirteen (13) of which being live or contact hours. This proposal meant that, in 2008, Respondent would complete the fifteen (15) hours of continuing education (eight (8) of which being live or contact hours) required by amended Board Rule .2201 for license renewal as well as make up the ten (10) hours of continuing education (five (5) of which being live or contact hours) that Respondent could not document for 2006.

6. Respondent agreed in writing to this informal resolution of his continuing education deficit.

7. In late 2009, Board staff audited Respondent's compliance with the agreed-upon resolution of his continuing education deficit for 2008. The audit showed that in 2008 Respondent completed 24.75 hours of continuing education, seven (7) of which were live or contact hours. Respondent was, therefore, short 0.25 total hours of required continuing education for his 2009 renewal, and short six (6) live continuing education hours.

8. Respondent acknowledged and accepted responsibility for his lapse. Moreover, the evidence reflects that in 2009, Respondent acquired significant non-contact (12 hours) and contact (16.5 hours) continuing education.

CONCLUSIONS OF LAW

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

1. Respondent violated G.S. §§ 90-85.17, 90-85.38(a)(6), (7); and 21 N.C.A.C. 46.2201.
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.

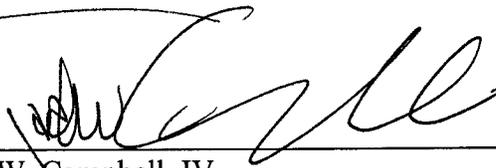
Based upon the foregoing, and with the consent of the parties, IT IS THEREFORE ORDERED that the license of Respondent Booker, License No.8008, is hereby SUSPENDED for six (6) days, with the following conditions:

1. Three (3) days of the suspension are stayed indefinitely upon compliance with the remaining conditions of this consent order;
2. Three (3) days of the suspension shall be served within ninety (90) days of the date of this Order;
3. The three-day active suspension shall be served on three (3) consecutive business days;
4. Respondent shall notify the Board's Executive Director in writing when he has completed the three-day active suspension;

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

This the ^{16th}~~31~~ day of ^{February}~~January~~, 2010.

NORTH CAROLINA BOARD OF PHARMACY

By: 

Jack W. Campbell, IV
Executive Director

Lyle Stuart Booker, the holder of license number 8008, 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:



Lyle Stuart Booker
(License No. 8008) Date 2-2-2010

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: Larry Cloer

Date: 2/2/2010



Notary Public
Tom C. Cloer

My commission expires: Oct, 15 2011

OBJECTED TO BY: _____ Date _____
Lyle Stuart Booker
(License No. 8008)