

**STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY**

IN THE MATTER OF

**Ashley Bowden
(License No. 17540)**

)
)
)
)
)
)

**CONSENT ORDER OF
DISCIPLINE**

THIS MATTER came on to be considered at a prehearing conference (hereinafter, "Conference") before a member of the North Carolina Board of Pharmacy (hereinafter, the "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 W. Chater at the offices of the Board. Respondent Ashley Bowden (License No. 17540) (hereinafter, "Respondent") was present at the Conference. Counsel D.J. O'Brien, III represented the Board. Members of the Board's investigative staff were also present at the Conference, as were representatives of a related respondent.

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 her consent, Respondent also stipulates that she waives her 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 North Carolina Board of Pharmacy 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. 17540 and was employed as the pharmacist-manager at Wal-Mart Pharmacy, Permit. No. 7958, located at 548 CC Camp Road, Elkin, North Carolina. Respondent is and was, at all relevant times referenced to herein, subject to the rules and regulations of the North Carolina Board of Pharmacy and the laws of the State of North Carolina.

3. On both September 16, 2008 and September 19, 2008, Respondent dispensed Mercaptopurine 50 mg with incorrect directions of "Take six (6) tablets by mouth every day for thirty (30) days," instead of the prescribed amount of one tablet per day. Because of the error, the directions instructed the patient to consume the drug in significant excess of the normal therapeutic dose. As a result of consumption of the drugs as directed, the patient suffered harm. In making the error, Respondent disregarded alerts in Wal-Mart's drug utilization review ("DUR") system that should have alerted her to the excessive dosage dispensed, and Respondent unreasonably relied upon her technician to accurately transcribe the phone-in prescription.

4. On February 17, 2009, Respondent erroneously dispensed Amoxicillin to an infant patient, when that patient had not been prescribed Amoxicillin. The Amoxicillin had been prescribed for a different patient, and Respondent erroneously dispensed it to the patient in question as a result of improperly and negligently processing a faxed prescription. Respondent negligently simultaneously dispensed both the erroneous Amoxicillin and a prescription for Zithromax that had actually been prescribed for the patient in question, resulting in a dispensing of antibiotics in significant excess of the normal therapeutic dose. In making the error, Respondent disregarded alerts in Wal-Mart's drug utilization review ("DUR") system that should have alerted her to the duplicate antibiotics being dispensed.

CONCLUSIONS OF LAW

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

1. Respondent violated N.C. Gen. Stat. §§ 90-85.30, 90-85.38(a)(6), (7) and (9), 90-85.40(f) and 106-122(18); and 21 N.C.A.C. 46 .1802(a), 46 .1804(a), 46 .1805, 46 .1813(d) and 46 .2501.

2. Respondent admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on her 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, License No. 17540, is hereby SUSPENDED for one (1) day. That suspension is stayed for one (1) year from the date that this Order is accepted by the Board upon the following conditions:

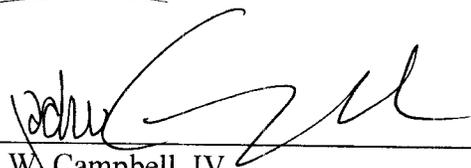
- i. Respondent shall advise the Board promptly in writing of any change of address or change in practice status;
- ii. Respondent shall violate no laws governing the practice of pharmacy or the distribution of drugs;
- iii. Respondent shall violate no rules or regulations of the Board;
- iv. Respondent shall provide documentation of any known or suspected errors to the Board's Executive Director within five (5) business days of learning of such error;

If Respondent fails to comply with any terms or conditions of this Consent Order, the one-year stay described above shall be lifted and Respondent may be subject to additional disciplinary action by the Board.

This the 20th day of April, 2010.

NORTH CAROLINA BOARD OF PHARMACY

By:



Jack W. Campbell, IV
Executive Director

Ashley Bowden, the holder of license number 17540, has full knowledge that she has the right to a formal hearing, at which she would have the right to be represented at her 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, she certifies that she has read the foregoing Consent Order and that she 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 she 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 she has the right to have counsel of her choice review and advise her with respect to her rights and this Consent Order, and represents that she enters this Consent Order after consultation with her counsel or after knowingly and voluntarily choosing not to consult with counsel.

CONSENTED TO BY:

Ashley Bowden

Date 9/7/10

Ashley Bowden
(License No. 17540)

NORTH CAROLINA

DAVID 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: Ronald Sandritter.

Date: 4-7-10

Patricia L. Bowers

Notary Public

Patricia L. Bowers

My commission expires: 9-20-2010

OBJECTED TO BY:

_____ Date _____
Ashley Bowden
(License No. 17540)