BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter of: AMOS BRINSON License No. 6011	))))))	**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, "Board") pursuant to 21 N.C.A.C. 46 .2008. This Conference was scheduled for June 18, 2012 and, after appropriate notice, was heard on that day by Board member Gene W. Minton at the offices of the Board. Respondent Amos Brinson (License No. 6011) (hereinafter, "Respondent") was present and was represented by Counsel George G. Hearn and Brenda Maloney Shafer. Counsel Rebecca L. Cage represented the Board. Members of the Board's investigative staff and related respondents 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 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. 6011. During the relevant time period, Respondent served as pharmacist-manager at CVS/pharmacy, Permit No. 10823, located at 634 South Main Street, Kenansville, North Carolina ("CVS"). 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 June 1, 2011, CVS held a training program in Wilmington, N.C. for the administration of vaccines, which was attended by nine pharmacists and two pharmacy interns ("Participants"). As set forth below, it was later determined by the Board that the training program did not meet the requirements for a certificate program under North Carolina law.

4. On September 15, 2011, the Board received an anonymous complaint notifying the Board of alleged deficiencies in the vaccination training program offered by CVS on June 1, 2011, including allegations that the training program did not include the required two intramuscular injections and one subcutaneous injection and that the trainer provided each of the assessment examination answers to the Participants of the program.

5. On October 20, 2011, Jay Campbell, Executive Director of the Board, notified CVS, through Michael Sherry, Manager, Retail Clinical Operations, of the anonymous complaint received by the Board and requested a response. Mr. Campbell wrote that it appeared that the pharmacists who participated in the purported training program were not properly trained and certified to administer vaccines. Mr. Campbell notified Mr. Sherry that, based upon the investigation, it appeared that any permits who permitted these pharmacists to administer vaccines were violating North Carolina law.

6. On November 10, 2011, Mr. Sherry provided a written response to Mr. Campbell. Mr. Sherry identified the Participants, the trainer, and, based on CVS's investigation, confirmed that the training program did not include the required two intramuscular injections and one subcutaneous injection. Mr. Sherry also conveyed that the Participants would be retrained and would retake the examination, and until they did so, the Participants were notified that they were not permitted to administer vaccines. Mr. Sherry provided the number of vaccinations that the Participants administered between the training on June 1, 2011 and the time at which they were instructed by CVS to cease any vaccination administration, which was on or about October 24, 2011. After further investigation and during the Conference, Mr. Sherry also confirmed that the trainer provided each of the assessment examination answers to the Participants of the program.

7. From on or about November 14 to November 24, 2011, a new CVS trainer conducted retraining on injection technique. Participants April Rogers, Edmund Wellons, Myra Rochelle, Nathaniel Brooks, Lauralyle Weaver and Amos Brinson underwent injection technique retraining. Participants Matt Rettig, Ashok Chandarana and David Kopaczewski opted not to undergo retraining and instead decided to no longer administer vaccinations. Following injection retraining, Participants April Rogers, Edmund Wellons, Myra Rochelle, Nathaniel Brooks, Lauralyle Weaver and Amos Brinson again began to administer vaccines based on communication from CVS that they were permitted to do so. The retraining that took place in November 2011 did not, however, require the Participants to repeat the didactic coursework or to retake the assessment examination.

8. On December 5, 2011, Mr. Sherry received a letter from Mr. Campbell informing him that not all participants had been retrained on injection technique and that none of the participants had repeated the didactic course work or had retaken the exam. Accordingly, the

Participants remained improperly trained and not certified to administer vaccines under North Carolina law.

9. From on or about December 5 to December 19, 2011, CVS conducted exam re-testing of certain of the Participants. April Rogers, Edmund Wellons, Myra Rochelle and Lauralyle Weaver re-took the examination. Participants Nathaniel Brooks and Amos Brinson elected not to re-test and instead decided to undergo the full training for certification for the Fall, 2012 flu season.

10. On or about December 19, 2011 Mr. Campbell contacted CVS Wilmington area pharmacy supervisor Betsy Ramsay and informed her that the Participants were not permitted to administer vaccines.

11. From on or about December 19, 2011 upon direction from CVS, none of the Participants administered any vaccines as directed by the Board.

12. Between September 9, 2011 and November 28, 2011, Respondent, as pharmacist-manager, unlawfully administered 54 vaccinations.

13. In addition, a number of the vaccination records maintained by Respondent did not comply with North Carolina law in that 6 of the records failed to adequately describe the administration site of injection and 4 of the records failed to properly identify the name, manufacturer, lot number or expiration date of the vaccines.

CONCLUSIONS OF LAW

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

1. All parties are properly before the Board, and the Board has jurisdiction over Respondent and the subject matter of this proceeding.

2. Respondent's conduct, as set out in the findings of fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 90-85.38 because Respondent's acts were in violation of N.C. Gen. Stat. §§ 90-85.3(r), 90-85.38(a)(6) and 90-85.40(f); and 21 N.C.A.C. 46 .1804(a), 46 .2302(a), and 46 .2507.

Based upon the foregoing, and with the consent of the parties, IT IS THEREFORE ORDERED that the license of Respondent Brinson is hereby restricted as follows:

1. Respondent shall administer no vaccinations at any pharmacy location for a period of four (4) months commencing on August 1, 2012 and concluding on November 30, 2012;

2. Before administering any vaccinations, Respondent shall successfully complete a certificate program in the administration of vaccines accredited by the Centers for Disease Control, the ACPE or a health authority or professional body approved by the Board;

3. Respondent shall violate no laws governing the practice of pharmacy or the distribution of drugs;

4. Respondent shall violate no rules and regulations of the Board;

5. Respondent shall cooperate with the Board, its attorneys, investigators and other representatives in any investigation of compliance with the provisions of this Consent Order; and

6. 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 11th day of July, 2012.

NORTH CAROLINA BOARD OF PHARMACY

By: _____
Jack W. Campbell, IV
Executive Director

Amos Brinson, the holder of license number 6011, 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.

ACCEPTED AND CONSENTED TO BY:

AMOS BRINSON (License No. 6011)

_____ Date 7/13/2012

STATE OF North Carolina

Wake COUNTY

I, the undersigned Notary Public of the County and State aforesaid, do hereby certify that the following personally appeared before me this day and acknowledged the due execution of the foregoing document: **AMOS BRINSON**

Date: 7-13-2012

Deanna B. Best
Notary Public
Deanna B. Best

My commission expires: 6-20-2017

DEANNA B. BEST
NOTARY PUBLIC
WAKE COUNTY, N.C.
My Commission Expires 06-20-2017.

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REJECTED BY:

_____ Date_____
AMOS BRINSON (License No. 6011)