

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:

Diane Creekmore)
(License No. 9729)) CONSENT ORDER
)
)

This matter came on for consideration at a prehearing conference (hereinafter "conference") pursuant to 21 N.C.A.C. 46 .2008. This conference was scheduled for January 15, 2007 and was heard on that day at the Board office before Board member Joey McLaughlin. Also present at the conference were the following: Josh Kohler, Assistant Director of Investigations and Inspections; Karen Matthew, Director of Investigations and Inspections; Anna Baird Choi, Counsel for the Board; multiple representatives of CVS Pharmacy; George Hearn, counsel for CVS Pharmacy and Diane Creekmore; and Diane Creekmore (Respondent Pharmacist). Based upon the record in this proceeding and the statements and materials presented at the conference, the Board makes the following:

FINDINGS OF FACT

1. Respondent Pharmacist is licensed to practice pharmacy by the Board and is the holder of license number 9729. At all relevant times, Respondent Pharmacist was employed at CVS Pharmacy, permit number 6750, 3914 Capital Boulevard, Raleigh, North Carolina as a staff pharmacist.
2. On January 30, 2006, the Board received a complaint from the mother of a two-month-old child alleging that the above-referenced pharmacy had dispensed a Digoxin prescription written for her child with incorrect dosage instructions.

3. On December 14, 2005, Respondent Pharmacist dispensed Digoxin 50mcg/ml with directions to "give 1½ mls by mouth twice daily."
4. The prescription order was for Digoxin 50mcg/5ml with instructions to take 15mcgs by mouth twice daily. However, since the medication is only manufactured in 50mcg/ml strength, Respondent Pharmacist should have recalculated the dosage and revised the dosage directions to "give 0.3ml by mouth twice daily."
5. The patient's mother dispensed approximately five doses of the medication from December 14 through December 16, 2005. When she noticed that her son was lethargic, she contacted his cardiologist who instructed her to take her son to the emergency room. The patient was admitted on December 16 and was discharged on December 17, 2005. There was no evidence of any long-term side effects to the patient.
6. At the time of the incident, Respondent Pharmacist contacted the patient's mother and apologized for the error. At the prehearing conference, Respondent Pharmacist stated that she now reviews pediatric prescriptions very carefully.

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

CONCLUSIONS OF LAW

1. Respondent Pharmacist admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on her license under G.S. 90-85.38.
2. Respondent Pharmacist violated the following statutes and rules when she failed to properly and accurately dispense medication:
 - a. G.S. 90-85.38(a)(6), (7), and (9);
 - b. G.S. 90-85.40;

- c. G.S. 106-134.1; and
- d. 21 U.S.C. 331 and 353.

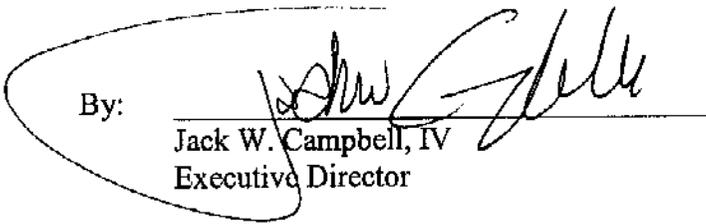
Based on the foregoing, and with the consent of the parties, IT IS THEREFORE,
ORDERED, as follows:

- 1. Respondent Pharmacist, license number 9729, is hereby warned.
- 2. Respondent Pharmacist shall cooperate with the Board, its attorneys, investigators, and other representatives in any investigation of her practice and compliance with the provisions of this Consent Order.
- 3. Respondent Pharmacist shall violate no laws governing the practice of pharmacy or the distribution of drugs.
- 4. Respondent Pharmacist shall violate no rules and regulations of the Board.
- 5. If Respondent Pharmacist fails to comply with any terms or conditions of this Consent Order, she may be subject to additional disciplinary action by the Board.

This the 20th day of February, 2007.

NORTH CAROLINA BOARD OF PHARMACY

By:



Jack W. Campbell, IV
Executive Director

Diane Creekmore, the holder of License #9729, has full knowledge that she has the right to a hearing and to be represented by counsel in this matter. She freely, knowingly, and voluntarily waives such right by entering into this Consent Order on behalf of License #9729. The undersigned understands and agrees that by entering into this Consent Order, she certifies that she has read the foregoing Consent Order and that he voluntarily consents to the terms and conditions set out 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.

Diane Creekmore, License #9729, accepts Board member Joey McLaughlin's proposal in this matter.

CONSENTED TO BY: Diane Parker Creekmore 2/2/07
Diane Creekmore Date
License No. 9729

State of NC
Wake County

I, Nekoba K. Mutima, a Notary Public for the above-named County and State, do hereby certify that Diane Creekmore personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witnessed my hand and official seal

This the 2 day of February, ~~2006~~ ²⁰⁰⁷
Nekoba K. Mutima
Notary Public



Nekoba K. Mutima
Typed or Printed Notary Name

My Commission Expires Nov. 2, 2010

Diane Creekmore, License No. 9729, does not accept the proposed Consent Order in this matter.

By: _____ Date _____
Diane Creekmore
License No. 9729