

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:

Douglas T. Mullen
(License No. 5945)

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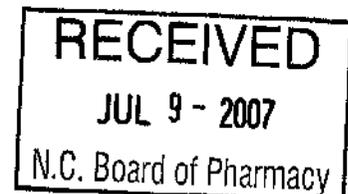
**CONSENT ORDER OF
DISCIPLINE**

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, 2007 and, after appropriate notice, was heard on that day by Board member Wallace Nelson at the office the Board. The Respondent Douglas T. Mullen (hereinafter "Respondent" or "Mullen") was present and was not represented by counsel. Counsel Kathleen Gleason represented the Board. Members of the Board's investigative 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. 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 by his consent. 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. 5945. Respondent is, and was at all relevant times referred to herein, the pharmacist manager of Care-More Pharmacy, Permit. No. 8147, located at 9600 Strickland Road, Raleigh, North Carolina (the "Pharmacy"). 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 February 3, 2006, Respondent caused Julie Jones, License No. 16631, to sign on to the Pharmacy computer system using Respondent's log-in, which caused all prescriptions dispensed on that day to be incorrectly reflected as having been dispensed under Respondent's name. Respondent was not present at the Pharmacy on February 3, 2006.

4. Respondent testified that he instructed Ms. Jones to use his log-in for the Pharmacy computer system on February 3, 2006.

5. On February 3, 2006, there were multiple active prescriptions on file at the pharmacy for Seroquel 25 mgs for a single patient. The later prescription(s) contained the correct directions for administration. However, the Pharmacy computer system's incorrectly reflected that the earliest prescription was the latest prescription. This earliest prescription contained different directions for administration than the later prescription(s).

6. Respondent testified that he had entered the profile for the earliest, and superseded, prescription for Seroquel 25 mgs.

7. On February 3, 2006, Ms. Jones dispensed a prescription for Seroquel 25 mgs pursuant to what she perceived to be the latest prescription but which was actually the earliest

prescription. Thus, the patient received a prescription dispensed with incorrect directions for administration.

8. In none of the cases where prescriptions were delivered from the Pharmacy to the patient, including the February 3, 2006 prescription for Seroquel 25 mgs, and which deliveries were reflected in the log presented to the Board by the Investigator and verified by Respondent, was there any record that patient counseling was offered to the patients receiving the delivered prescriptions.

9. Respondent testified that he was unaware whether any patient counseling was offered to the patient who received the prescription for Seroquel 25 mgs on February 3, 2006, or for any other patients whose prescriptions were delivered from the Pharmacy.

CONCLUSIONS 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 constitute grounds for discipline pursuant to N.C. Gen. Stat. § 90-85.38 as follows:

- a. Respondent caused another pharmacist to dispense prescriptions with Respondent's name designated as the dispensing pharmacist in violation of 21 NCAC 46. 2303;
- b. Respondent profiled a prescription with an incorrect date of issuance in violation of 21 NCAC 46. 2301(a); and
- c. Respondent failed to offer or confirm patient counseling in violation of 21 NCAC 46. 2504.

CONCLUSIONS REGARDING DISCIPLINE

Based upon the foregoing Findings of Fact and Conclusions of Law, and with the consent of the Respondent, the Board enters the following:

ORDER OF DISCIPLINE

1. Respondent Douglas T. Mullen (License No. 5945) is hereby permanently suspended from acting as a pharmacy manager or pharmacist-in-charge of any pharmacy. Mullen shall resign from any position as pharmacist manager or pharmacist-in-charge within 60 days of the date on which this Order is accepted by the Board and shall promptly report such resignation to the Executive Director of the Board in writing. If Mullen is not serving as pharmacist manager or pharmacist-in-charge of any pharmacy, he shall promptly report that in writing to the Executive Director;

2. Mullen shall not serve as a preceptor of pharmacy students;

3. The discipline imposed by paragraphs 1 and 2 above shall be continuing and permanent. However, no sooner than one (1) year from the date this Order is accepted from the Board, Mullen may apply to the Board to have the discipline lifted. Mullen understands that any such application will be judged solely with the Board's discretion and the Board is not obligated to grant any such application;

4. Mullen shall complete an error reductions course approved by the Executive Director within twelve (12) months of the date of this Order;

5. Mullen shall take and pass the MPJE Examination, administered by NABP, within six (6) months of the date of this Order;

6. Mullen shall cooperate with the Board, its attorneys, investigators, and other representatives in any investigation and comply with the provisions of this Consent Order;

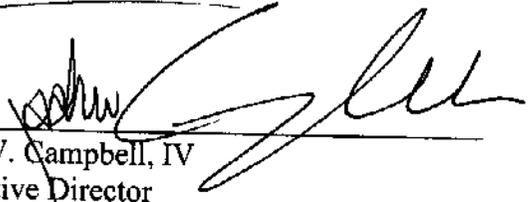
7. Mullen shall violate no laws governing the practice of pharmacy or the distribution of drugs; and

8. Mullen shall violate no rules and regulations of the Board.

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

This the 17th day of July, 2007.

NORTH CAROLINA BOARD OF PHARMACY

By: 

Jack W. Campbell, IV
Executive Director

Douglas T. Mullen, the holder of license number 5945, has full knowledge that he has the right to a formal hearing in this matter, at which he would have the right to be represented at his expense by counsel. 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: Douglas T. Mullen Date 7-6-07
Douglas T. Mullen
(License No. 5945)

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: DOUGLAS T. MULLEN

Date: 7/6/07

Michael T. Newton
Notary Public
Michael T. Newton

My commission expires: My Commission Expires August 3, 2010



OBJECTED TO BY:

_____ Date _____
Douglas T. Mullen
(License No. 5945)