

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:

Gary Harrill )  
(License No. 6468) )      CONSENT ORDER  
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This matter came on for consideration at a prehearing conference (hereinafter "conference") pursuant to 21 N.C.A.C. 46 .2008 on August 30, 2005. Board member Betty Dennis presided. Also present at the conference were the following: Tim Jones, Assistant Director of Investigations; Anna Baird Choi, Counsel for the Board; Gary Harrill (Respondent); and Steven Parker, Pharmacist Manager of Charlie's Drug and Sundries, Inc. 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 is licensed to practice pharmacy by the Board and is the holder of license number 6468. At all relevant times, Respondent was employed at Charlie's Drug & Sundries, Inc. located at 125 W. Central Avenue, Mount Holly, North Carolina as the Pharmacist Manager.
2. On November 18, 2004, the Board received a complaint from Reid McGraw, attorney for a patient who received Phenobarbital 15 mg on a prescription order for Phenobarbital 65 mg.

3. The investigation produced evidence to show that on or about January 29, 2004, Respondent dispensed Phenobarbital 15mg on a prescription order for Phenobarbital 65 mg to a fourteen-year-old girl.
4. The patient's parents reported to the Board Investigator that after consuming approximately seven dosage units, the patient experienced a seizure; her parents reported to the Board Investigator that this was her first seizure in four years.
5. On March 3, 2004, the patient's mother learned that her daughter had received Phenobarbital 15 mg instead of Phenobarbital 65 mg. Between January 29 and March 3, 2004, the patient's parents reported to the Board Investigator that their daughter experienced side effects including seizure, mouth twitching, and despondency. After the patient resumed Phenobarbital 65 mg on or about March 3, 2004, she continued to experience side effects including sitting and staring for long periods of time, seizures, aggressive ideation, and refusal to urinate and have bowel movements. On or about May 4, 2004, the patient was diagnosed with psychosis.
6. On or about March 3, 2004, Respondent was informed of the dispensing error. After he was made aware of the error, Respondent initiated additional safety measures such as requiring all prescriptions be checked by a technician after initially being checked by the pharmacist, using the NDC number to double-check the medication dispensed, and double-counting of medication. Additionally, Respondent has taken an error reduction course.

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

CONCLUSIONS OF LAW

1. Respondent admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on his license under G.S. 90-85.38.
2. Respondent violated the following statutes and rules when he failed to properly dispense medication:
  - a. G.S. 90-85.38(a)(6), (7) and (9);
  - b. G.S. 90-85.40;
  - c. G.S. 106-122;
  - d. G.S. 106-134.1;
  - e. 21 N.C.A.C. 46 .1804;
  - f. 21 N.C.A.C. 46 .1805;
  - g. 21 U.S.C. 331, 352 and 353.


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

1. Respondent Harrill, license number 6468, is hereby cautioned.
2. Respondent shall cooperate with the Board, its attorneys, investigators, and other representatives in any investigation of his practice and compliance with the provisions of this Consent Order.
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. 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 18<sup>th</sup> day of April, 2006.

NORTH CAROLINA BOARD OF PHARMACY

By:   
David R. Work  
Executive Director

Gary Harrill, the holder of License #6468, has full knowledge that he has the right to a hearing and to be represented by counsel in this matter. He freely, knowingly, and voluntarily waives such right by entering into this Consent Order on behalf of License # 6468. 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 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 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.

Gary Harrill, License #6468, accepts Board member Betty Dennis's proposal in this matter.

CONSENTED TO BY: Gary L Harrill 5 APR 2006

Gary Harrill  
License No. 6468

Date

State of North Carolina  
GASTON County

I, KAY L Carpenter, a Notary Public for the above-named County and State, do hereby certify that Gary Harrill personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witnessed my hand and official seal

This the 5 day of April, 2006, by Gary Harrill.

Kay L. Carpenter  
Notary Public

Kay L. Carpenter  
Typed or Printed Notary Name

My Commission Expires 05/10/10

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Gary Harrill, License No. 6468, does not accept the proposed Consent Order in this matter.

By: \_\_\_\_\_

Gary Harrill  
License No. 6468

Date

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