

STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:)
)
Christopher Hawk)
(License No. 17134))
)
)

CONSENT ORDER

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 October 26, 2009 and, after appropriate notice, was heard on that day by Board member R. Joseph McLaughlin, Jr. at the offices of the Board. Respondent Christopher Hawk (License No. 17134) (hereinafter, "Respondent" or "Hawk") was present. Counsel Joseph Ponzi 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. 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 Board 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. 17134. During all times relevant hereto, Respondent was employed as pharmacist manager at Kerr Drug, Permit No. 6501, located at 321 East Street, Pittsboro, North Carolina (the "Subject Pharmacy"). Respondent is and was, at all relevant times referenced to herein, subject to the rules and regulations of the Board and the laws of the State of North Carolina.

3. On February 2, 2009, the Subject Pharmacy improperly dispensed Suprax 100 mg/5mL to a pediatric patient whose prescription called for Amoxicillin 250 mg/5mL. The medication was dispensed without patient counseling. One dose of the incorrect medication was administered, resulting in temporary harm to the patient. While Respondent did not dispense the medication, as pharmacist manager, Respondent was ultimately responsible for the safe, lawful and secure receipt of prescription orders and delivery of prescription drugs.

4. On the date that the prescription was filled, Respondent, as pharmacist manager, permitted more than two technicians to work under the supervision of one pharmacist without Board authorization. One pharmacist supervised more than two technicians continuously from 9:00 a.m. to 5:00 p.m. on February 2, 2009, which contributed to an increased risk of patient harm.

5. On the date that the prescription was filled, Respondent, as pharmacist manager, permitted an excessive number of prescriptions to be filled at such a rate as to pose a danger to public health and safety. On February 2, 2009, one pharmacist filled 408 prescriptions, including 146 new prescriptions, which contributed to an increased risk of patient harm.

6. At various times between December 5, 2005 and the date of the prehearing conference, Respondent permitted three persons to fulfill the duties of pharmacy technicians

without being registered by the Board. These include technicians Rebecca Squires (employed and unregistered between June 23, 2006 and May 6, 2009), Kristy Ryals (employed and unregistered between August 7, 2006 and September 29, 2009), and Daniel Brown (employed and unregistered between August 14, 2008 and October 23, 2009).

CONCLUSIONS OF LAW

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

1. Respondent violated N.C. Gen. Stat. §§ 90-85.15A(b) and (c), 90-85.29, 90-85.30, 90-85.38(a)(6), (7) and (9), and 90-85.40(f); and 21 N.C.A.C. 46 .1804(a), 46 .1811, 46 .2504 and 46 .3301(e).
2. Respondent admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on his 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 Hawk, License No. 17134, is hereby SUSPENDED for thirty (30) days. Of that suspension, three (3) days shall be served as an active suspension to be served consecutively, commencing within 30 days of the date that the Executive Director executes this Order after Board approval, with Respondent to notify the Executive Director in writing and return his wallet card and license in advance of service of the suspension. The active suspension shall commence on a Monday at 12:01 a.m. and run for three full, consecutive 24-hour days. During the term of his suspension, Respondent may not be present in any pharmacy, except as a customer.

The remaining twenty-seven (27) days of the suspension shall be stayed for two (2) years from the date that this Order is accepted by the Board, upon the following conditions:

1. Respondent shall advise the Board promptly in writing of any change of address or change in practice status;

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

3. Respondent shall violate no rules or regulations of the Board.

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 19th day of January, 2009¹⁰.

NORTH CAROLINA BOARD OF PHARMACY

By: _____


Jack W. Campbell, IV
Executive Director

Christopher Hawk, the holder of license number 17134, 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.

CONSENTED TO BY:

Christopher Hawk Date 12-3-09
Christopher Hawk
(License No. 17134)

NORTH CAROLINA

Chatham 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: Christopher Hawk

Date: 12-3-09

Lora L. Caviness
Notary Public

My commission expires: March 17, 2014

LORA L. CAVINESS
Notary Public, North Carolina
Chatham County
My Commission Expires
March 17, 2014

OBJECTED TO BY:

Date _____

Christopher Hawk
(License No. 17134)