

3. The investigation produced evidence to show that on September 29, 2005, the patient, an 85-year-old woman, was scheduled for an MRI at the hospital. While she was en route to the hospital, she experienced a seizure. After being admitted to the hospital, a neurology consult was obtained, and the patient was prescribed Dilantin 600mg IV for a one-hour period. The prescription was written at or about 8:45 p.m. on September 29, 2005.
4. The prescription medication was ordered from the hospital pharmacy, was prepared by a technician, and was verified by Respondent. At or about 9:56 p.m., the medication was sent out of the pharmacy to be administered to the patient. The medication was administered to the patient at or about 10:00 p.m.
5. The investigation produced evidence to show that Respondent dispensed phenylephrine on a prescription order for phenytoin.
6. At or about the time hospital staff began administering the medication to the patient, pharmacy staff contacted hospital nursing staff to inform them of the dispensing error. The dispensing of the medication was immediately stopped and the correct medication was subsequently delivered and administered to the patient. It was determined that the patient received between 30 and 50 ccs of the phenylephrine solution.
7. The patient subsequently died on October 4, 2005 at 8:05 a.m.
8. The technician and Respondent expressed remorse for the error.

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 dispensed and delivered phenylephrine on a prescription order for phenytoin:
 - 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 .1805; and
 - f. 21 U.S.C. 331, 352 and 353.

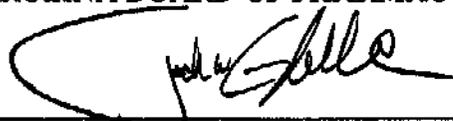
Based on the foregoing, and with the consent of the parties, IT IS THEREFORE,
ORDERED, as follows:

1. Respondent, license number 5391, is hereby warned.
2. Within one (1) year of the Board's approval of this Consent Order, Respondent shall take an error prevention/reduction course offered by an ACPE provider. Respondent shall submit documentation that he has taken this course to Board's Executive Director.
3. 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.
4. Respondent shall violate no laws governing the practice of pharmacy or the distribution of drugs.
5. Respondent shall violate no rules and regulations of the Board.
6. 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 26 day of September, 2006.

NORTH CAROLINA BOARD OF PHARMACY

By:



Jack W. Campbell, IV
Executive Director

James Stanley Pitts, the holder of License #5391, 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 #5391. 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.

James Stanley Pitts, License #5391, accepts Board member Wallace Nelson's proposal in this matter.

CONSENTED TO BY: _____
James Stanley Pitts Date
License No. 5391

State of _____
_____ County

I, _____, a Notary Public for the above-named County and State, do hereby certify that James Stanley Pitts personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witnessed my hand and official seal

This the _____ day of _____, 2006, by James Stanley Pitts.

Notary Public

Typed or Printed Notary Name

My Commission Expires _____

James Stanley Pitts, License No. 5391, does not accept the proposed Consent Order in this matter.

By: _____
James Stanley Pitts Date
License No. 5391

August 14, 2006

Mr. Phillip T. Jackson
Dameron, Burgin, Parker, Lorenz & Jackson, P.A.
26 West Court Street
Marion, North Carolina 28752

Dear Mr. Jackson:

Please find the enclosed Consent Order that resulted from the prehearing conference on May 31, 2006. If, after careful review and consideration of the documents, your client finds it to be factual, please have your client sign the appropriate signature line giving their acceptance to the Order. A Notary Public must notarize their signature if they accept the Order. If, however, your client does not agree with the Order, please have them sign the appropriate signature line.

The original document should be returned to the Board as follows, within ten (10) days:

N.C. Board of Pharmacy
Attn: Carol Smith
P.O. Box 4560
Chapel Hill, North Carolina, 27515-4560

If your client agrees to the Order, it will be presented to the Board at the next meeting. You or your client do not need to be present at the Board meeting. Karen Matthew, Director of Investigations and Inspections, will notify you of the Board's acceptance or declination of the Order after that meeting.

Please contact Jay Campbell at (919) 942-4454 if you have any questions concerning this matter.

Most sincerely,

BAILEY & DIXON, L.L.P.


Anna Baird Choi

ABC/pay

Enclosure

cc: Jay Campbell, Executive Director (email only)
Karen Matthew, Director of Investigators and Inspections (w/enclosure)
Josh Kohler (email only)
Carol Smith (w/enclosure)
Amy Cook (w/enclosure)

#199359

