

STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY

IN THE MATTER OF)

STEPHEN D. KOSKA)

License No. 16548)

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 14, 2008, and after appropriate notice, was heard on that day at the office of the North Carolina Board of Pharmacy by Board member L. Stan Haywood. Mr. Koska was present and was represented at the conference by James A. Wilson. Board counsel Clinton R. Pinyan and members of the Board's investigation staff were present at the conference, as were related respondents and their counsel. Based upon the record in this proceeding and the statements and materials presented at the conference, the Board makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Respondent Stephen D. Koska is licensed by the Board to practice pharmacy and is the holder of license number 16548. At all relevant times, Respondent Koska was employed by Gaston Memorial Hospital Pharmacy (Permit Number 1191), 2525 Court Drive, Gastonia, North Carolina, 28052, and served as its pharmacist-manager.

2. On January 31, 2007, a pharmacist who will be referred to as Pharmacist A was employed as a licensed pharmacist working at Gaston Memorial Hospital Pharmacy through a temporary employment agency under the supervision of Respondent Koska.

3. On that date, Pharmacist A reported to work at Gaston Memorial Hospital Pharmacy at approximately 9:00 a.m. and shortly thereafter was found by pharmacy staff to be severely impaired. Pharmacist A claimed to be having problems with diabetic symptoms.

4. Pharmacy staff accompanied Pharmacist A to the emergency room at Gaston Memorial Hospital Pharmacy, where he was examined. When his blood was tested at approximately 12:04 p.m., Pharmacist A had a blood alcohol content of 371 mg/dl. A person is under the influence above 80 mg/dl, has a potentially toxic blood alcohol content above 100 mg/dl, and is at a critical level above 250 mg/dl. At 371 mg/dl, Pharmacist A had a potentially deadly blood alcohol content.

5. Emergency room personnel advised Pharmacist A on alcohol intoxication and substance abuse and released him to his wife.

6. In the afternoon of January 31, 2007, pharmacy staff met with Respondent Koska and informed him of the diagnosis of Pharmacist A's critical alcohol intoxication on that day. By January 31, 2007, Respondent Koska therefore knew that Pharmacist A had been suffering from critical alcohol intoxication while on duty earlier in the day.

7. Shortly thereafter, Respondent Koska terminated Pharmacist A's employment at Gaston Memorial Hospital through the temporary employment agency because Pharmacist A had reported to work while critically intoxicated on January 31, 2007.

8. On March 7, 2007, a Board investigator interviewed Respondent Koska about the incident of January 31, 2007. Respondent Koska falsely represented that Pharmacist A had suffered from diabetic symptoms on January 31, 2007 and had been treated for low blood-sugar levels in the emergency room of Gaston Memorial Hospital. Respondent Koska withheld from the investigator the material information that Pharmacist A had suffered from critical alcohol intoxication on that day. When asked directly whether Respondent Koska suspected that Pharmacist A was impaired by any substances on January 31, 2007, Respondent Koska said that he did not suspect any alcohol intoxication.

9. At no time on or after March 7, 2007, until the prehearing conference in this matter, did Respondent Koska provide to the Board accurate information about Pharmacist A's condition or correct the false information he had provided to the Board.

10. Because Respondent Koska terminated Pharmacist A with knowledge of his potential substance abuse issues and without informing the Board of those issues, Respondent Koska created the risk that Pharmacist A would practice in another job while impaired. Respondent Koska's actions thereby endangered or were likely to endanger the health or safety of the public.

CONCLUSIONS OF LAW

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

1. Respondent Koska violated N.C. Gen. Stat. §§ 90-85.38(a)(4) and 90-85.40(f).
2. Respondent Koska 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 on the foregoing, and with the consent of the parties, IT IS THEREFORE ORDERED that:

Respondent Koska's license, number 16548, shall be suspended for seven (7) days. This seven (7) day suspension is stayed for one (1) year upon the following conditions:

- a. Respondent Koska shall violate no laws governing the practice of pharmacy or the distribution of drugs; and
- b. Respondent Koska shall violate no rules and regulations of the Board.

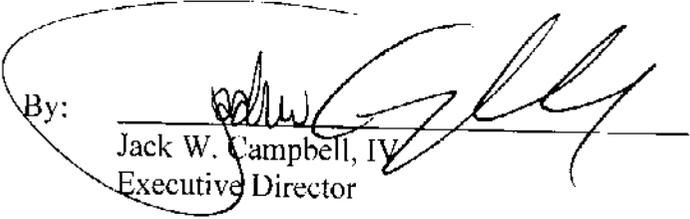
- c. During the stay period, Respondent Koska shall advise the Board in writing and within 30 days of any change of the following: (a) employment address or (b) change in practice status.
- d. Respondent Koska shall cooperate with the Board, its attorneys, investigators and other representatives in any investigation and compliance with the provisions of this Consent Order.

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 19th day of February, 2008.

NORTH CAROLINA BOARD OF PHARMACY

By:



Jack W. Campbell, IV
Executive Director

Stephen D. Koska, the holder of license # 16548, has full knowledge that he has the right to a hearing, where he would have the right to be represented 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.

CONSENTED TO BY:

Stephen D. Koska
Stephen D. Koska
License No. 16548

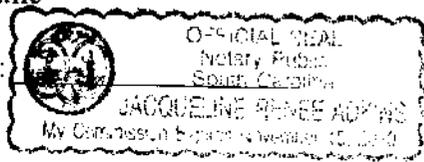
1/29/08
Date

Sworn to and subscribed before me
this the 29 day of January, 2008.

Jacqueline Renee Adkins
Notary Public Signature

Jacqueline Renee Adkins
Notary Public Printed Name

My Commission Expires:



OBJECTED TO BY:

Date

Stephen D. Koska
(License No. 16548)