

**STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY**

IN THE MATTER OF

**NORMAN LEWIS
(License No. 6205)**

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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, the "Board") pursuant to 21 N.C.A.C. 46 .2008. This Conference was scheduled for May 17, 2010, and, after appropriate notice, was heard on that day by Board member Dr. J. Parker Chesson, Jr. at the offices of the Board. Respondent Norman Lewis (License No. 6205) (hereinafter, "Respondent") was present at the Conference. Counsel Clinton R. Pinyan represented the Board. Members of the Board's investigative staff were also present at the Conference, as was a related respondent.

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 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. 6205 and was employed as the pharmacist-manager at Realo Discount Drugs, Permit. No. 8436, located at 104 Parkwood Drive, Snow Hill, North Carolina. 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 fifteen separate occasions between June 12, 2008 and December 15, 2008, Realo Discount Drugs dispensed carisoprodol to a patient sooner than permitted by the patient's prescription. Respondent was the dispensing pharmacist for eight of those early dispensings, and, as pharmacist-manager, was ultimately responsible for the safe, lawful and secure receipt of prescription orders and delivery of all prescription drugs at Realo Discount Drugs.

4. The patient was prescribed a fifteen-day supply of carisoprodol. Those drugs were dispensed sooner than permitted on the following occasions:

- a. Rx #1119370. Fifteen-day supply dispensed on June 12, 2008 by R. Ph. JDW;
- b. Rx #1119370. Fifteen-day supply dispensed on June 25, 2008 by Respondent;
- c. Rx #1119370. Fifteen-day supply dispensed on July 7, 2008 by Respondent;
- d. Rx #1124871. Fifteen-day supply dispensed on July 18, 2008 by R. Ph. JDW;
- e. Rx #1124871. Fifteen-day supply dispensed on July 25, 2008 by Respondent;
- f. Rx #1124871. Fifteen-day supply dispensed on August 4, 2008 by R. Ph. JDW;
- g. Rx #1124871. Fifteen-day supply dispensed on August 15, 2008 by R. Ph. JDW;
- h. Rx #1119370. Fifteen-day supply dispensed on August 18, 2008 by Respondent;
- i. Rx #1135887. Fifteen-day supply dispensed on October 27, 2008 by Respondent;

- j. Rx #1135887. Fifteen-day supply dispensed on November 7, 2008 by R. Ph. JDW;
- k. Rx #1135887. Fifteen-day supply dispensed on November 18, 2008 by Respondent;
- l. Rx #1135887. Fifteen-day supply dispensed on November 25, 2008 by Respondent;
- m. Rx #1135887. Fifteen-day supply dispensed on December 3, 2008 by Respondent;
- n. Rx #1141399. Fifteen-day supply dispensed on December 11, 2008 by R. Ph. JDW; and
- o. Rx #1141399. Fifteen-day supply dispensed on December 15, 2008 by R. Ph. JDW;

5. On some of these occasions, Respondent, as either dispensing pharmacist, pharmacist-manager, or both, dispensed the medication early in a fashion that resulted in the patient receiving amounts in significant excess of the normal daily therapeutic dose.

6. In August 2008, Respondent was informed that the patient's prescription had been filled earlier than prescribed, and Respondent placed a note on the patient's profile warning that the prescription should not be refilled early. Notwithstanding that note, Respondent, as either dispensing pharmacist, pharmacist-manager, or both, continued to dispense the medication early on at least seven occasions after placing the note in the patient profile.

CONCLUSIONS OF LAW

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

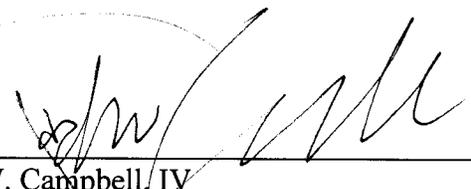
1. Respondent violated N.C. Gen. Stat. §§ 90-85.38(a)(6), (7) and (9) and 90-85.40(f); and 21 N.C.A.C. 46 .1801(a), 46 .1802, 46 .1804(a) and 46 .1805.
2. Respondent admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on his license under N.C. Gen. Stat. § 90-85.38.

Based upon the foregoing, and with the consent of the parties, IT IS THEREFORE ORDERED that the license of Respondent, License No. 6205, is hereby REPRIMANDED. Respondent further shall violate no laws governing the practice of pharmacy or the distribution of drugs and shall violate no rules or regulations of the Board.

This the ^{15th} ~~25~~ day of ^{June} ~~May~~, 2010.

NORTH CAROLINA BOARD OF PHARMACY

By: _____


Jack W. Campbell, IV
Executive Director

Norman Lewis, the holder of license number 6205, 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:

Norman Lewis Date 5/25/2010
Norman Lewis
(License No. 6205)

NORTH CAROLINA

Lenoir 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: Norman Lewis.

Date: 5-25-2010

Bonnie J. Hill
Notary Public
Bonnie J. Hill

My commission expires: November 25, 2012

OBJECTED TO BY:

Date _____

Norman Lewis
(License No. 6205)