

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:

Jay Scott Major)
(License No. 9121)) 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 19, 2005 and was heard on that day at the Board office before Board member Rebecca Chater. Also present at the conference were the following: Josh Kohler, Board Investigator; Steve Hudson, Director of Investigations and Inspections; Anna Baird Choi, Counsel for the Board; multiple representatives for Kerr Drug and Medicap Pharmacy; Tony Gurley, counsel for Jay Scott Major (Respondent Pharmacist); and Jay Scott Major. 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 Pharmacist is licensed to practice pharmacy by the Board and is the holder of license number 9121. At all relevant times, Respondent Major was employed as a staff pharmacist at Medicap Pharmacy, permit number 5511, located at 1000 Tarboro Street West, Wilson, North Carolina.
2. On December 2, 2003, the Board received a complaint alleging that Respondent Pharmacist dispensed Albuterol on a refill order for Atrovent.
3. On September 8, 2003, Respondent Pharmacist dispensed an Albuterol Inhaler on a refill order for an Atrovent Inhaler. The prescription label indicated that the medication

dispensed was Atrovent; however, it was placed on a manufacturer's stock box of an Albuterol inhaler.

4. The patient administered the product nine times between September 12 and September 14, 2003. She experienced side effects including elevated blood pressure, elevated heart rate, shortness of breath, and nervousness. She was subsequently admitted to Wilson Medical Center from September 14 through September 19, 2003. No long-term side effects were reported.
5. Respondent Pharmacist acknowledged and apologized for the error. He stated that he has instituted additional steps in his prescription checking process to eliminate similar errors in the future.

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

CONCLUSIONS OF LAW

1. Respondent Pharmacist admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on his license under G.S. 90-85.38.
2. Respondent Pharmacist violated the following statutes and rules when he failed to comply with requirements of the Pharmacy Practice Act:
 - a. G.S. 90-85.38 (6), (7) and (9),
 - b. G.S. 106-134.1
 - c. 21 USC 331 and 352, and
 - d. 21 N.C.A.C. 46 .1805.

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

1. Respondent Pharmacist, license number 9121, is hereby reprimanded.
2. Within twelve (12) months of the Board's approval of this Consent Order, Respondent Pharmacist shall take either four (4) CE hours related to medication safety/error prevention or an error reduction course. Within thirty (30) days of completion of this requirement, Respondent Pharmacist shall submit information related to his completion of this requirement to the Board's Executive Director.
3. Respondent Pharmacist 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 Pharmacist shall violate no laws governing the practice of pharmacy or the distribution of drugs.
5. Respondent Pharmacist shall violate no rules and regulations of the Board.
6. If Respondent Pharmacist fails to comply with any terms or conditions of this Consent Order, Respondent Pharmacist may be subject to additional disciplinary action by the Board.

This the 17th day of January 2005

NORTH CAROLINA BOARD OF PHARMACY

By: _____


David R. Work
Executive Director

Jay Scott Major, the holder of License #9121, 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 #9121. 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.

Jay Scott Major, License #9121, **accepts** Board member Rebecca Chater's proposal in this matter.

CONSENTED TO BY: Jay Scott Major 11-14-05
Jay Scott Major Date
License No. 9121

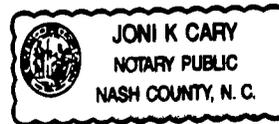
State of North Carolina
Nash County

I, Joni K. Cary, a Notary Public for the above-named County and State, do hereby certify that Jay Scott Major personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witnessed my hand and official seal

This the 14th day of November, 2005.

Joni K. Cary
Notary Public



My Commission Expires 7-27-08

Jay Scott Major, License No. 9121, **does not accept** the proposed Consent Order in this matter.

By: _____ Date _____
Jay Scott Major
License No. 9121