

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:

HARITA PATEL
(License No. 16443)

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**CONSENT ORDER OF
DISCIPLINE**

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 January 16, 2012 and, after appropriate notice, was heard on that day by Board member Rebecca Chater at the offices the Board. Respondent Harita Patel (License No. 16443) (hereinafter, "Respondent" or "Patel") was present and was represented by counsel Reed Fountain. Counsel Joseph A. 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 her consent, Respondent also stipulates that she waives her 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. 16443, and worked for WakeMed Cary Hospital Pharmacy (Permit No. 5371) located at 1900 Kildaire Farm Road, Cary, North Carolina (“WakeMed”). 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 February 13, 2011, Respondent prepared a prescription of Morphine for an acutely ill patient. The prescription was for a dosage of 2.5 ml of Morphine 10 mg/5 ml oral solution. Respondent instead removed from the Schedule II Controlled Substances safe 3 ml of Morphine 20 mg/ml oral solution, and failed to dilute the solution to a proper dosage. Thus, Respondent dispensed, and the patient ingested, ten times the prescribed amount of Morphine, an amount in excess of normal therapeutic dosages. The patient subsequently died.

4. After the error was discovered, WakeMed and Respondent undertook a root cause analysis, and WakeMed has instituted numerous operational changes as a result. Respondent has also become active in the WakeMed patient safety program.

CONCLUSIONS OF LAW

1. All parties are properly before the Board, and the Board has jurisdiction over Respondent and the subject matter of this proceeding.

2. Respondent’s conduct, as set out in the findings of fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 90-85.38(a) because Respondent’s acts were in violation of N.C. Gen. Stat. §§ 90-85.38(a)(6), (7) and (9), 90-85.40(f), 90-106, 90-108, 106-122, 106-134 and 106-134.1; 21 N.C.A.C. 46 .1414, 46 .1802, 46 .1804 and 46 .1805; and 21 U.S.C. §§ 331, 353, 829 and 842.

Based upon the foregoing, and with the consent of the parties, IT IS THEREFORE ORDERED that Respondent Harita Patel, practicing under License No. 16443, is hereby REPRIMANDED for the aforementioned violations of law.

This the 21st day of February, 2012.

NORTH CAROLINA BOARD OF PHARMACY

By: 

Jack W. Campbell, IV
Executive Director

Harita Patel, the holder of license number 16443, has full knowledge that she has the right to a formal hearing in this matter, at which she would have the right to be represented at her expense by counsel. 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, she certifies that she has read the foregoing Consent Order and that she 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 she 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 she has the right to have counsel of her choice review and advise her with respect to her rights and this Consent Order, and represents that she enters this Consent Order after consultation with her counsel or after knowingly and voluntarily choosing not to consult with counsel.

ACCEPTED AND CONSENTED TO BY:



Harita Patel (License No. 16443) Date 2/7/2012

NORTH CAROLINA

Wake COUNTY

I, the undersigned Notary Public of the County and State aforesaid, do hereby certify that the following person personally appeared before me this day, and acknowledged the due execution of the foregoing document: Harita Patel.

Date: 2/7/2012



Notary Public
Kimberly D. Leach

My commission expires: 3/14/2014

REJECTED BY:

_____ Date _____
Harita Patel (License No. 16443)