

STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:)

Asa Pickens)
(License No. 5790))

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, "Board") pursuant to 21 N.C.A.C. 46 .2008. This Conference was scheduled for September 14, 2009 and, after appropriate notice, was heard on that day by Board member Stan Haywood at the offices of the Board. Respondent Asa Pickens (License No. 5790) (hereinafter, "Respondent" or "Pickens") was present. Counsel Joseph 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 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 Board 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. 5790. During a portion of the relevant period, through August 2008, Respondent was employed as pharmacist manager at Harris Teeter Pharmacy, Permit No. 9376, located at 112 South Sharon Amity Road, Charlotte, North Carolina. Respondent is and was, at all relevant times referenced to herein, subject to the rules and regulations of the Board and the laws of the State of North Carolina.

3. On August 25, 2008, Respondent dispensed a prescription for Axid to an infant patient with a medicine dropper that was incorrectly marked, so that the patient received approximately 4 ½ times the prescribed dose of the medication. A technician had hand-marked the medicine dropper, and requested that Respondent confirm the marking. Without visually inspecting the medicine dropper, Respondent approved the marking. Respondent accordingly failed to physically review the dispensed product and the medicine dropper before they were delivered to the patient. Furthermore, when Respondent dispensed the drug, he failed to counsel the patient, instead improperly allowing the technician to counsel the patient.

4. The drug was administered to the patient, and the patient twice ingested the drug at the incorrect dose. As a result, the patient suffered from diarrhea for over a week while the large dose passed through her system. Respondent negligently failed to determine the impact of the error on the patient.

5. Following the above incident, Respondent left Harris Teeter Pharmacy and was employed by Rite Aid to work as pharmacist at various locations. Respondent failed to provide the Board with the required notice of change of employment.

CONCLUSIONS OF LAW

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

1. Respondent violated N.C. Gen. Stat. §§ 90-85.17, 90-85.38(a)(6), (7) and (9), and 90-85.40(f); 21 N.C.A.C. 46 .1804(a) and 46 .2504.

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 Pickens, License No. 5790, is hereby SUSPENDED for seven (7) days. Such suspension shall be stayed for two (2) years from the date that this Order is accepted by the Board, upon the following conditions:

1. Respondent shall advise the Board promptly in writing of any change of address or change in practice status;

2. Respondent shall violate no laws governing the practice of pharmacy or the distribution of drugs;

3. Respondent shall violate no rules or regulations of the Board; and

4. Respondent shall complete a Medication Error Prevention Course from an ACPE-accredited institution, such as that offered by Campbell University School of Pharmacy, within six (6) months of the date that this Order is accepted by the Board, and shall submit documentation of such completion to the Executive Director of the Board.

If Respondent fails to comply with any terms or conditions of this Order, Respondent may be subject to additional disciplinary action by the Board.

This the 23rd day of October, 2009.

NORTH CAROLINA BOARD OF PHARMACY

By:



Jack W. Campbell, IV
Executive Director

Asa Pickens, the holder of license number 5790, 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:

Asa Pickens Date 10-20-09
Asa Pickens
(License No. 5790)

NORTH CAROLINA

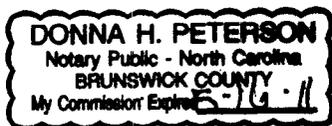
CUMBERLAND COUNTY

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: Asa Pickens

Date: 10/20/2009

Donna H. Peterson
Notary Public

DONNA H. PETERSON



My commission expires: 5-16-2011

OBJECTED TO BY:

_____Date_____
Asa Pickens
(License No. 5790)