



4. On November 23, 2005, Respondent dispensed and delivered Azithromycin and Phenytoin Sodium 100mg to the complainant-patient. On November 26, 2005, the complainant-patient returned to the pharmacy and asked staff to check his blood pressure. When pharmacy staff noticed it was elevated, they checked his prescription history and discovered that the Phenytoin had been intended for another patient. The complainant-patient who had taken the Phenytoin contacted his physician and subsequently stopped taking the medication.
5. The investigation produced evidence to show that the error may have been caused by staff and/or Respondent's failure to change the patient name in the computer when entering the Phenytoin prescription.
6. No evidence was presented to show that the patient suffered any long-term side effects.
7. Respondent expressed remorse for the error and accepted full responsibility.

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

#### CONCLUSIONS OF LAW

1. Respondent admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on his license under G.S. 90-85.38.
2. Respondent violated the following statutes and rules when he dispensed and delivered Phenytoin to the wrong patient:
  - a. G.S. 90-85.38(a)(6), (7) and (9);
  - b. G.S. 90-85.40;
  - c. G.S. 106-122;
  - d. G.S. 106-134.1;

- e. 21 N.C.A.C. 46 .1805; and
- f. 21 U.S.C. 331, 352 and 353.

Based on the foregoing, and with the consent of the parties, IT IS THEREFORE,

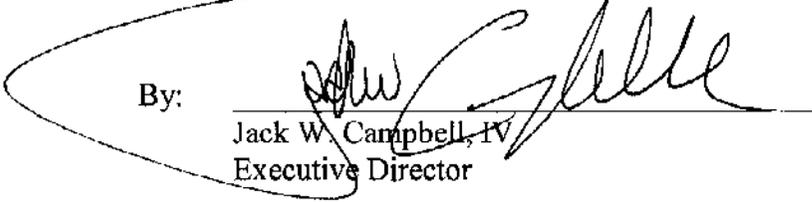
ORDERED, as follows:

1. Respondent, license number 8980, is hereby warned.
2. Within one (1) year of the Board's approval of this Consent Order, Respondent shall take an error prevention/reduction course. Respondent shall obtain prior approval of this course from the Board's Executive Director.
3. Respondent 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 shall violate no laws governing the practice of pharmacy or the distribution of drugs.
5. Respondent shall violate no rules and regulations of the Board.
6. 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 27<sup>th</sup> day of September, 2006.

NORTH CAROLINA BOARD OF PHARMACY

By:

  
\_\_\_\_\_  
Jack W. Campbell, IV  
Executive Director

Rajiv Dewan, the holder of License #8980, 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 #8980. 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.

Rajiv Dewan, License #8980, accepts Board member Robert Crocker's proposal in this matter.

CONSENTED TO BY: [Signature] 8/2/06  
Rajiv Dewan Date  
License No. 8980

State of NC  
Mecklenburg County

I, Dawn C McGuire a Notary Public for the above-named County and State, do hereby certify that Rajiv Dewan personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

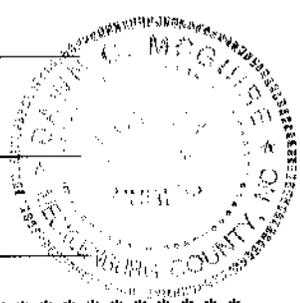
Witnessed my hand and official seal

This the 2nd day of August, 2006, by Rajiv Dewan.

Dawn C McGuire  
Notary Public

Dawn C McGuire  
Typed or Printed Notary Name

My Commission Expires 8-29-07



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Rajiv Dewan, License No. 8980, does not accept the proposed Consent Order in this matter.

By: \_\_\_\_\_ Date \_\_\_\_\_  
Rajiv Dewan  
License No. 8980