

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:

Randy Lawson)	
(License No. 7465))	
)	
Mount Pilot Drug, Inc.)	CONSENT ORDER
(Permit No. 5907))	

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 September 25, 2006 and was heard on that day at the Board office before Board President Rebecca Chater. Also present at the conference were the following: Jason Smith, Board Investigator; Karen Matthew, Director of Investigations and Inspections; Anna Baird Choi, Counsel for the Board; and Randy Lawson (Respondent Lawson). 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 Lawson is licensed to practice pharmacy by the Board and is the holder of license number 7465. Mount Pilot Drug, Inc. (Respondent Pharmacy) is the holder of permit number 5907 and is located at 119 West Main Street, Pilot Mountain, North Carolina. At all relevant times, Respondent Lawson was employed at Respondent Pharmacy as the Pharmacist Manager.
2. On November 14, 2005, the Board received a complaint alleging that Respondent Pharmacist had dispensed narcotics early and without prescriptions.

3. The investigation produced evidence that Respondent Pharmacist dispensed early refills on prescriptions for controlled substances as follows:

<u>Drug</u>	<u>Disp. Date</u>	<u>Quantity</u>	<u>Refill Date</u>	<u>Days Early</u>
Hydrocodone	06/21/06	90	07/17/06	4
Oxycodone	03/02/06	100	03/07/06 (new Rx)	25
Hydrocodone	08/26/05	60	09/19/06	6

4. The investigation also produced evidence to show that Respondent Pharmacist dispensed excessive amounts of controlled substances, based on prescriptions which had recently been dispensed to the patient.

<u>Drug</u>	<u>Rx No.</u>	<u>Disp. Date</u>	<u>Units/Days Supply</u>
• Hydrocodone	04048240	07/17/06	90/30
• Hydrocodone	04049457	07/20/06	93/31
• Hydrocodone	multiple	multiple: 11/04/05-11/29/05	342 units
• Hydrocodone	multiple	multiple: 08/15/05-09/19/05	399 units

5. Hydrocodone is a schedule III controlled substance. Oxycodone is a schedule II controlled substance.

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

CONCLUSIONS OF LAW

1. Respondent Lawson admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on his license under G.S. 90-85.38.
2. Respondent Pharmacy admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on its permit under G.S. 90-85.38.
3. Respondent Lawson violated the following statutes and rules when he dispensed excessive amounts and early refills of controlled substances:
 - a. G.S. 90-85.38(a)(6), (7), and (9);

- b. G.S. 90-85.40;
 - c. G.S. 90-106;
 - d. G.S. 90-108;
 - e. G.S. 106-134.1;
 - f. 21 U.S.C. 331 and 353;
 - g. 21 N.C.A.C. 46 .1804;
 - h. 21 N.C.A.C. 46 .1805;
 - i. 21 C.F.R. 1306.11; and
 - j. 21 C.F.R. 1306.21.
4. Respondent Pharmacy violated the following statutes and rules when its pharmacist-manager dispensed excessive amounts and early refills of controlled substances:
- a. G.S. 90-85.38(a)(6), (7), and (9);
 - b. G.S. 90-85.40;
 - c. G.S. 90-106;
 - d. G.S. 90-108;
 - e. G.S. 106-134.1;
 - f. 21 U.S.C. 331 and 353;
 - g. 21 N.C.A.C. 46 .1804;
 - h. 21 N.C.A.C. 46 .1805;
 - i. 21 C.F.R. 1306.11; and
 - j. 21 C.F.R. 1306.21.

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

1. Respondent Lawson, license number 7465, is hereby reprimanded.
2. Respondent Pharmacy, permit number 5907, is hereby reprimanded.
3. Respondents 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. Respondents shall violate no laws governing the practice of pharmacy or the distribution of drugs.
5. Respondents shall violate no rules and regulations of the Board.
6. If Respondents fail to comply with any terms or conditions of this Consent Order, Respondents may be subject to additional disciplinary action by the Board.

This the 21 day of November, 2004.

NORTH CAROLINA BOARD OF PHARMACY

By:



Jack W. Campbell, IV
Executive Director

I, Randy N. Lawson, (name), the undersigned, am Pharmacist, Manager (title) for the holder of permit #5907 and am authorized to sign this Consent Order. I have full knowledge that the permit holder has the right to a hearing and to be represented by counsel in this matter. I freely, knowingly, and voluntarily waive such right by entering into this Consent Order on behalf of Permit #5907. I understand and agree that by entering into this Consent Order, I certify that I have read the foregoing Consent Order and that that the permit holder 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. I further understand that should the permit holder violate the terms and conditions of this Consent Order, the Board may take additional disciplinary action. I understand and agree that this Consent Order will not become effective unless and until approved by the Board.

Randy N. Lawson, Manager on behalf of permit #5907, accepts Board member Rebecca Chater's proposal in this matter.

CONSENTED TO BY: Randy N. Lawson 10-18-06
Name: Randy N. Lawson Date
Title: Pharmacist, Manager

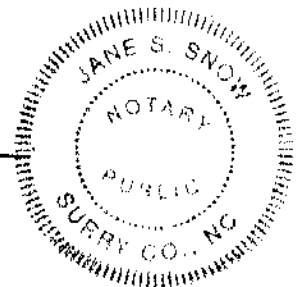
State of NORTH CAROLINA SURRY County

I, JANE S SNOW, a Notary Public for the above-named County and State, do hereby certify that RANDY N LAWSON personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witnessed my hand and official seal

This the 18 day of OCTOBER, 2006, by Phyllis East

Jane S Snow
Notary Public



JANE S SNOW
Typed or Printed Notary Name

My Commission Expires 11-8-09

_____, _____ on behalf of permit #5907, does not accept the proposed Consent Order in this matter.

By: _____
Name: _____ Date: _____
Title: _____

Randy Lawson, the holder of License #7465, 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 #7465. 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.

Randy Lawson, License #7465, accepts Board member Rebecca Chater's proposal in this matter.

CONSENTED TO BY: Randy Lawson _____ Date 10-18-06
Randy Lawson
License No. 7465

State of NORTH CAROLINA
SURRY County

I, JANE S SNOW, a Notary Public for the above-named County and State, do hereby certify that Randy Lawson personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

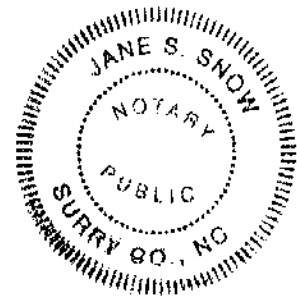
Witnessed my hand and official seal

This the 18 day of OCTOBER, 2006, by Randy Lawson.

Jane S Snow
Notary Public

JANE S SNOW
Typed or Printed Notary Name

My Commission Expires 11-8-09



Randy Lawson, License No. 7465, does not accept the proposed Consent Order in this matter.

By: _____ Date _____
Randy Lawson
License No. 7465