

**STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY**

IN THE MATTER OF

**Migdalia Rodriguez
(License No. 20118)**

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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, the "Board") pursuant to 21 N.C.A.C. 46 .2008. The Conference was scheduled for July 20, 2015, and, after appropriate notice, was heard on that day by Board member Robert (Joey) McLaughlin, Jr. at the offices of the Board. Respondent Migdalia Rodriguez (License No. 20118) (hereinafter, "Respondent") was present at the Conference and represented by James A. Wilson as counsel. Counsel Andrew L. Rodenbough represented the Board. Members of the Board's investigative staff were also present at the Conference, as were representatives of related respondents.

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. 20118. At the relevant time, Respondent was employed as a pharmacist-manager at Walgreens, Permit. No. 7920, located at 2019 North Main Street, High Point, North Carolina (the "Pharmacy"). 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 June 26, 2013, Respondent was working as a pharmacist-manager at the Pharmacy. Among the employees she was supervising that day was pharmacy intern Stephen Mangum.

4. At approximately 12:54 PM, under Respondent's computer login, Mangum's status was changed in Walgreens' computer system from "intern" to "pharmacist," purportedly giving him the ability to perform the functions of a pharmacist. Respondent admits that the change was made under her login, but denies making the change herself. Mangum performed final verifications for approximately eighty-one (81) prescriptions after his status was changed, at least some of which were not reviewed by Respondent or another licensed pharmacist.

5. At the time, Mangum had completed all prerequisites to licensing but was not yet licensed as a pharmacist. He became a licensed pharmacist the next day, on June 27, 2013.

6. One of the prescriptions verified by Mangum that day was a prescription for a six-month-old child for hydroxyzine 10mg/5ml oral suspension with directions to take 1.5 ml by mouth twice daily as needed. The pharmacy dispensed a prescription with directions to take "one teaspoonful (5 ml) by mouth twice daily as needed." As a result of the erroneous directions, the

patient consumed an excessive dose of the medication. There is no evidence that the patient was harmed.

7. During the Conference, Respondent acknowledged that the dispensing error was made.

8. Subsequently, on or about November 7, 2013, a Board investigator performed an inspection of the Pharmacy and completed a Retail Pharmacy Inspection Report. The investigator reported several violations, including: (1) pharmacists were allowed to supervise more technicians than allowed by statute; (2) the store's original pharmacy license was not posted; (3) Respondent, as pharmacist-manager, was not wearing an identification badge as required by statute; and (4) multiple vials of drugs lacked lot numbers and expiration dates as required by federal law. These were corrected in due course.

CONCLUSIONS OF LAW

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

1. Respondent violated N.C. Gen. Stat. §§ 90-85.15A(c); 90-85.23; 90-85.38(a)(6), (7), (8), and (9); 90-85.40(a); and 90-640(b); and 21 N.C.A.C. 46 .2501 and .2502.

2. Respondent admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on her license under N.C. Gen. Stat. § 90-85.38.

Based on the foregoing, and with the consent of the parties, IT IS THEREFORE ORDERED that the license of Respondent, License No. 20118, is hereby SUSPENDED for a period of three (3) days. Such suspension shall be an active suspension served by Respondent on three (3) consecutive days, beginning on a Monday at 12:01 a.m., within thirty (30) days of the date this Consent Order is executed and accepted by the Board.

Service of such suspension shall take place only after Respondent notifies the Executive Director of the Board, in writing, of Respondent's intention to serve the active suspension. Such notice shall inform the Executive Director of the dates that the Respondent intends to serve such suspension.

Respondent shall surrender her wall license, renewal and wallet card to the Executive Director of the Board of Pharmacy during the period of active suspension. During the three (3) day active suspension period, Respondent shall not engage in the practice of pharmacy, and shall not be present in any pharmacy, except as a patient with a valid prescription.

This the 15th day of September, 2015.

NORTH CAROLINA BOARD OF PHARMACY

By:



Jack W. Campbell, IV
Executive Director

Migdalia Rodriguez, the holder of license number 20118, has full knowledge that she has the right to a formal hearing, at which she would have the right to be represented at her 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, 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.

CONSENTED TO BY:

Migdalia Rodriguez Date 9/1/2015
Migdalia Rodriguez
(License No. 20118)

NORTH CAROLINA

Guilford 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: Migdalia Rodriguez.

Date: Sept. 1, 2015

Janelle Carter
Notary Public

My commission expires: Feb 28, 2019

JANELLE CARTER
Notary Public
Guilford Co., North Carolina
My Commission Expires Feb. 28, 2019

OBJECTED TO BY:
(License No. 20118)

_____Date_____
Migdalia Rodriguez