

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

**IN THE MATTER OF**

**David Settle  
(License No. 23705)**

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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 David Settle (License No. 23705) (hereinafter, "Respondent") was present at the Conference and represented by Michael C. Allen 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 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 as a basis for the discipline imposed. 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. 23705. At the relevant time, Respondent was employed as a floating pharmacist by Walgreen Co, rotating between several Walgreens locations, including Permit. No. 10328, located at 4211 Winterville Parkway, Winterville, 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 or about November 13, 2013, Respondent was working as a pharmacist at the Pharmacy. Respondent inadvertently and erroneously dispensed morphine sulfate 100mg/5ml solution with directions to "Take 2.5 ml by mouth every two hours as needed," rather than the prescribed directions to take 0.25 ml every two hours.

4. In dispensing the medication as described above, Respondent overrode a DUR notification associated with this prescription.

5. As a result of the error, this patient ingested a larger dose of morphine sulfate than prescribed.

6. The patient expired on November 16, 2013.

7. At the time of the error, the patient was a Hospice patient suffering from stage 4 adenocarcinoma and sepsis, among other medical issues.

8. During the Conference, Respondent acknowledged that he had made the dispensing error and at all times cooperated fully with Board Investigators.

## CONCLUSIONS OF LAW

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

1. Respondent violated N.C. Gen. Stat. §§ 90-85.38(a)(6), (7), and (9), and 90-85.40(f).
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 on the foregoing, and with the consent of the parties, IT IS THEREFORE ORDERED that the license of Respondent, License No. 23705, is hereby SUSPENDED for a period of seven (7) days. That suspension is STAYED for three (3) years from the date that this Order is accepted by the Board upon the following conditions:

- i. Respondent shall promptly provide documentation of any known or suspected errors to the Board's Executive Director within five (5) business days of learning of such error;
- ii. Respondent shall violate no laws governing the practice of pharmacy or the distribution of drugs;
- iii. Respondent shall violate no rules or regulations of the Board; and
- iv. If Respondent fails to comply with any terms or conditions of this Consent Order, the three-year stay described above shall be lifted and Respondent may be subject to additional disciplinary action by the Board.

The admissions, findings, and conclusions contained herein are intended solely for the purpose of resolving this administrative case.

This the 15<sup>th</sup> day of September, 2015.

NORTH CAROLINA BOARD OF PHARMACY

By: \_\_\_\_\_

Jack W. Campbell, IV  
Executive Director



David Settle, the holder of license number 23705, 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.

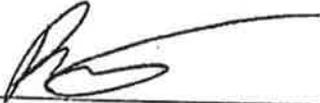
The undersigned understands and agrees that by entering into this Consent Order, he certifies that he has read the foregoing Consent Order and that he voluntarily consents to the terms and conditions set forth therein and relinquishes any right to judicial review of Board actions which may be taken concerning 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:

  
\_\_\_\_\_  
Date 9/11/15  
David Settle  
(License No. 23705)

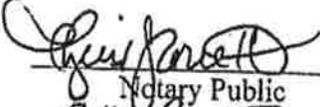
NORTH CAROLINA

Beaufort 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: David Settle.

Date: September 11, 2015



  
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Notary Public  
Phyllis Garrett

My commission expires: August 28, 2018

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OBJECTED TO BY:  
(License No. 23705)

\_\_\_\_\_ Date \_\_\_\_\_  
David Settle

4849-6418-1543, v. 1