

STATE OF NORTH CAROLINA  
NORTH CAROLINA BOARD OF PHARMACY

IN THE MATTER OF

THOMAS R. ENNIS  
License No. 11958

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**CONSENT ORDER**

This matter came on for consideration at a prehearing conference (hereinafter "conference") pursuant to 21 N.C.A.C. 46.2008. This conference was heard on April 16, 2007 at the office of the North Carolina Board of Pharmacy by Board President Rebecca Chater. Respondent Ennis waived all notice requirements for the conference, as well as his opportunity to be present and represented at the conference.

**FINDINGS OF FACT**

The Board makes the following findings of fact:

1. Respondent Thomas R. Ennis is licensed by the Board to practice pharmacy and is the holder of license number 11958.
2. During the period from March 2003 to June 2003, Respondent Ennis was employed by Eckerd Drugs, 1721 West Cumberland Street, Dunn, North Carolina 28334.
3. The Board staff alleges that, in or around June 2003, Respondent dispensed Nexium to an elderly patient without a prescription, and that the patient's physician subsequently filed a complaint related to the dispensing.
4. Respondent acknowledges that he dispensed Nexium to the patient without a prescription. He asserts, however, that the patient had reported to him that she had previously used samples of Nexium, that the patient's physician was not available for consultation when the patient reported her problems on a Saturday, and that Respondent informed the physician about the dispensing on the next business day.

5. Neither the Board staff nor Respondent admit that the allegations and contentions of the other are true, but each side has accepted this Consent Order to resolve the matter.

### CONCLUSIONS OF LAW

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

1. Respondent Ennis violated N.C. Gen. Stat. § 90-85.38(a)(6) and (7).
2. Respondent Ennis admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on his license under N.C. Gen. Stat. § 90-85.38. Said admission is for the sole purpose of resolving this matter and moving forward with his practice of pharmacy.

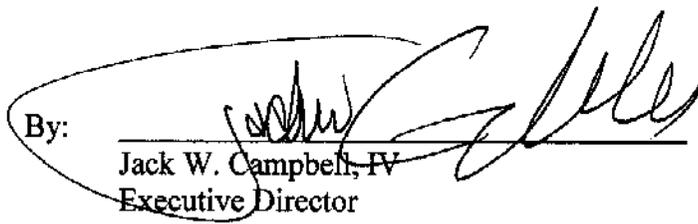
Based on the foregoing, and with the consent of the parties, IT IS THEREFORE ORDERED that:

1. Respondent Ennis's license to practice pharmacy is suspended for a period of ten (10) days, which suspension shall be stayed for a period of six (6) months. The stay of the suspension of Respondent Ennis's license shall commence on the date that this Consent Order is accepted by the Board of Pharmacy and is subject to the following conditions:
  - a. During the stay period, Respondent Ennis shall violate no laws governing the practice of pharmacy or the distribution of drugs.
  - b. During the stay period, Respondent Ennis shall violate no rules and regulations of the Board.

- c. Respondent Ennis shall cooperate with the Board, its attorneys, investigators and other representatives in any investigation and compliance with the provisions of this Consent Order.
2. 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 17<sup>th</sup> day of April, 2007.

NORTH CAROLINA BOARD OF PHARMACY

By: 

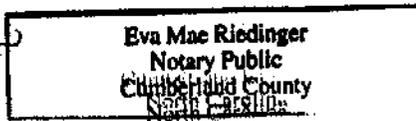
Jack W. Campbell, IV  
Executive Director

Thomas R. Ennis, the holder of license number 11958, has full knowledge that he has the right to a hearing, where he would have the right to be represented 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 the entry of the Consent Order. 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.

CONSENTED TO BY: Thomas R. Ennis 4-10-07  
Thomas R. Ennis Date  
License No. 11958

Sworn to and subscribed before me  
this the 10 day of April, 2007.

Eva Mae Riedinger  
Notary Public Signature



Eva Mae Riedinger  
Notary Public Printed Name

My Commission Expires: 02/20/2011

