

STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY

IN THE MATTER OF)
)
BRADLEY WEAVER,)
)
License Number 12708)

CONSENT ORDER

THIS MATTER came on for consideration at a prehearing conference (the "Conference") pursuant to 21 N.C.A.C. 46 .2008. The Conference was scheduled for April 18, 2011, and, after appropriate notice, was heard on that day at the office of the North Carolina Board of Pharmacy (the "Board") by Board member Gene Minton. Board Counsel and members of the Board's investigative and legal staff were present at the Conference. Respondent Bradley Weaver (License No. 12708) (the "Respondent" or "Weaver") was present and was represented by counsel Anna Baird Choi.

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. 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. The Respondent is the holder of License Number 12708 and was, at all relevant times referred to herein, the pharmacist-manager of Deep River Drug, Pharmacy Permit No. 8944, located at 2401 Hickwood Road, Suite B, High Point, North Carolina (the "Pharmacy"). Weaver, the Pharmacy, and its employees are, and were at all relevant times referred 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 January 22, 2009, Respondent, as both dispensing pharmacist and pharmacist-manager, improperly and negligently dispensed a 30-day supply of capsules containing 1.8 mg of compounded levothyroxine to a patient who had been prescribed capsules containing 100 mcg of levothyroxine. Levothyroxine is a narrow therapeutic index drug. Because of the dispensing error, the patient ingested the drug in significant excess of the prescribed dosage. The patient subsequently died.

4. On March 24, 2009, Weaver learned of the dispensing error and of the possibility that the dispensed drugs caused or contributed to the patient's death. However, Weaver failed to report the dispensing error to the Board as required by law.

5. The Board finds that discipline is warranted due to the nature of the conduct described.

CONCLUSIONS OF LAW

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

1. Respondent Bradley Weaver violated N.C. Gen. Stat. §§ 90-85.38(a)(6), (7), (9), 90-85.40(f), and 106-122; 21 N.C.A.C. 46 .1804, 46 .1805, 46 .1810(2), 46 .2302, 46 .2501, and 46 .2502(l); and (n).

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.

DISCIPLINARY ACTION

Based upon the foregoing, and with the consent of the parties, IT IS THEREFORE ORDERED that the license of Respondent, License No. 12708, is hereby SUSPENDED for thirty (30) days. Of that suspension, two (2) days shall be served as an active suspension to be served consecutively, commencing within 30 days of the date that the Executive Director executes this Order after Board approval, with Respondent to notify the Executive Director in writing and return his wallet card and license in advance of service of the suspension. The active suspension shall commence on a Monday at 12:01 a.m. and run for two full, consecutive 24-hour days. During the term of his suspension, Respondent may not be present in any pharmacy, except as a customer with a valid prescription.

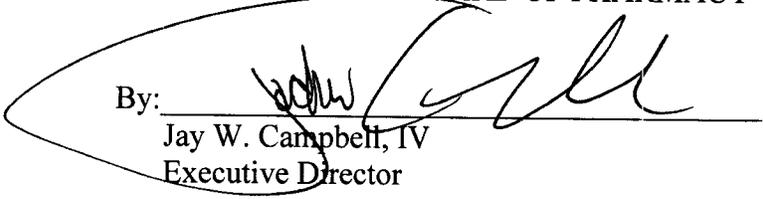
The remaining twenty-eight (28) days of the suspension shall be stayed for one (1) year from the date that this Order is accepted by the Board, upon the following conditions:

1. Respondent shall cooperate with the Board, its attorneys, investigators, and other representatives in any investigation, including regarding compliance with the provisions of this Consent Order;
2. Respondent shall violate no laws governing the practice of pharmacy or the distribution of drugs;
3. Respondent shall violate no rules and regulations of the Board;
4. Respondent shall maintain full compliance with this Consent Order.

If Respondent fails to comply with any terms or conditions of this Consent Order, the one-year stay described above shall be lifted and Respondent may be subject to additional disciplinary action by the Board.

This the 17th day of May, 2011.

NORTH CAROLINA BOARD OF PHARMACY

By: 
Jay W. Campbell, IV
Executive Director

Bradley Weaver, the holder of license number 12708, has full knowledge that he has the right to a 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.

ACCEPTED AND CONSENTED TO BY:

BRADLEY WEAVER (License No. 12708)

Bradley Weaver Date 5/13/11

STATE OF North Carolina

Moore COUNTY

I, the undersigned Notary Public of the County and State aforesaid, do hereby certify that the following person personally appeared before me this day and acknowledged the due execution of the foregoing document: **Bradley Weaver.**

Date: 5-3-11

Jessica S Kovach
Notary Public
Jessica S Kovach

Jessica S Kovach
NOTARY PUBLIC
Moore County, NC
My Commission Expires August 28, 2015

My commission expires: 8-29-15

REJECTED BY:

BRADLEY WEAVER (License 12708)

_____ Date _____