

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:)

William R. Roberson)
(License No. 7379))

**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, "Board") pursuant to 21 N.C.A.C. 46.2008. This Conference was scheduled for June 18, 2007 and, after appropriate notice, was heard on that day by Board member Betty H. Dennis at the office the Board. The Respondent William R. Roberson (hereinafter "Respondent" or "Roberson") was present and was represented by counsel Patrice Walker. Counsel Alexander Elkan represented the Board. Members of the Board's investigative staff were also present at the Conference.

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. 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 by his consent. 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. 7379. Respondent was at all relevant times referred to herein the pharmacist manager of CVS Pharmacy, Permit No. 6745, located at 215 Williamsboro Street, Oxford, 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 February 6, 2006, Respondent caused Fluoxetine HCL 20mg to be improperly dispensed to a pediatric patient, where the prescription called for Fluoxetine HCL 10mg, and further caused the medication bottle to be improperly labeled, and failed to keep and maintain adequate records.

4. On February 27, 2006 Respondent caused Methadone 5mg to be improperly dispensed to a pediatric patient, where the prescription called for Methylphenidate 5mg, and failed to keep and maintain adequate records.

5. Respondent testified and admitted to and acknowledged responsibility for the above-stated errors.

6. Respondent testified that he believed that the errors were due to filling high volumes of prescriptions, working long hours, and improper supervision of pharmacy technicians, as well as due to significant life stressors that he was experiencing at the time the above-stated errors occurred.

7. Respondent is subject to previous disciplinary orders of the Board, as set forth in that certain Consent Order entered into in November 2006.

CONCLUSIONS OF LAW

1. All parties are properly before the Board, and the Board has jurisdiction over Respondent and the subject matter of this proceeding.
2. Respondent's conduct, as set out in the findings of fact above constitute grounds for discipline pursuant to N.C. Gen. Stat. § 90-85.38 as follows:
 - a. Respondent caused a drug bottle to be mislabeled in violation of N.C. Gen. Stat. §§ 90-85.40(b), 90-106, 106-122 and 106-134;
 - b. Respondent caused drugs to be improperly dispensed in violation of N.C. Gen. Stat. § 90-85.38(9) and 21 NCAC 46.1805 and 2501; and
 - c. Respondent failed to keep proper records in violation of N.C. Gen. Stat. § 90-85.38(9) and 21 NCAC 46.2302 and 46.2303.

CONCLUSIONS REGARDING DISCIPLINE

Based upon the foregoing Findings of Fact and Conclusions of Law, and with the consent of the Respondent, the Board enters the following:

ORDER OF DISCIPLINE

1. Respondent William R. Roberson's license to practice pharmacy (License No. 7379) is hereby suspended for a period of sixty (60) days, which suspension is stayed. Provided, however, that, in the event Roberson fails to comply with any terms or conditions of this Consent Order within a period of two (2) years from the date of acceptance of this Consent Order by the Board of Pharmacy, such suspension shall be actively served in a manner determined by the Board;
2. Respondent William R. Roberson (License No. 7379) shall not serve as a pharmacy manager or pharmacist-in-charge of any pharmacy. Roberson shall resign from any

position as pharmacist manager or pharmacist-in-charge within 5 days of the date on which this Order is accepted by the Board and shall promptly report such resignation, if any, to the Executive Director of the Board in writing. If Roberson is not serving as pharmacist manager or pharmacist-in-charge of any pharmacy, he shall promptly report that in writing to the Executive Director;

3. Roberson may not serve as a preceptor of pharmacy students;

4. Roberson may not be employed as a pharmacist more than 40 hours per week, on average, nor more than 8 hours per day, on average;

5. Roberson may not be employed as a pharmacist where he dispenses more than 150 prescriptions per day, on average;

6. Roberson shall advise the Board promptly in writing of any change of address or change in practice status;

7. Roberson shall obtain prior written approval of all employment as a pharmacist from the Executive Director of the Board;

8. Roberson shall complete an error reductions course providing a minimum of 5 hours of CE (live), and a course addressing pediatric pharmacy providing a minimum of 2 hours of CE (live). These CE requirements shall be in addition to the annual CE requirement of 10 hours, shall be approved by the Executive Director, and shall be completed by the renewal date of Roberson's pharmacist license for 2008. Roberson shall manually renew his pharmacist license with the Board for 2008;

9. Roberson shall violate no laws governing the practice of pharmacy or the distribution of drugs;

10. Roberson shall violate no rules or regulations of the Board;

11. Roberson shall cooperate with the Board, its attorneys, investigators, and other representatives in any investigation and comply with the provisions of this Consent Order;

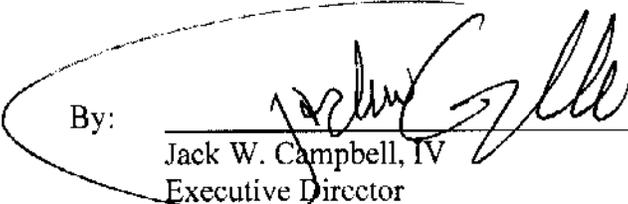
12. The discipline imposed hereinabove shall be continuing and permanent. However, no sooner than two (2) years from the date this Order is accepted by the Board, Roberson may apply to the Board to have the discipline lifted. Roberson understands that any such application will be judged solely with the Board's discretion and the Board is not obligated to grant any such application;

13. 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 14th day of September, 2007.

NORTH CAROLINA BOARD OF PHARMACY

By: _____


Jack W. Campbell, IV
Executive Director

William R. Roberson, the holder of license number 7379, has full knowledge that he has the right to a formal hearing in this matter, at which he would have the right to be represented at his expense by counsel. 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:

William R. Roberson Date 7-16-2007
William R. Roberson
(License No. 7379)

NORTH CAROLINA

Franklin 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: _____

Date: 07-16-07

Kimberly F. Jordan
Notary Public
Kimberly F. Jordan

My commission expires: Feb 19 2012

REJECTED BY:

_____ Date _____
William R. Roberson
(License No. 7379)