

STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:

Ehssan Nidal Dahir
(License No. 19062)

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FINAL CONSENT ORDER

THIS MATTER came on to be heard before the North Carolina Board of Pharmacy (the "Board") on February 16, 2010, on the consent of the parties. 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, Ehssan Nadil Dahir ("Respondent") waives his right to appeal this Final Consent Order. Respondent also stipulates that the findings of fact and conclusions of law are legally sufficient to support this Final Consent Order and agrees not to challenge the legal adequacy of the findings and conclusions in any potential future proceeding regarding this Final Consent Order. With the consent of the parties, the Board hereby enters the following:

FINDINGS OF FACT

1. 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. 19062
2. On December 21, 2009, a CVS/pharmacy loss prevention officer contacted Board staff and reported that Respondent was observed removing a naproxen tablet from a CVS pharmacy where Respondent worked as a relief pharmacist. Respondent was observed to consume the tablet.

3. Upon being interviewed by CVS/pharmacy loss prevention, Respondent admitted to diverting approximately five (5) dosage units of naproxen, thirteen (13) dosage units of ibuprofen, and twenty-five (25) dosage units of 5 mg, 7.5 mg, and 10 mg hydrocodone/acetaminophen (a Schedule III controlled substance) from pharmacies at which Respondent provided relief pharmacist services. The diversions began in late 2007 or early 2008.

4. Respondent admitted the same conduct to a Board investigator. Respondent explained that he diverted the medications to self treat back pain aggravated by standing during his pharmacy shifts.

5. Respondent was also employed full-time by Rex Hospital in Raleigh, North Carolina, during this time frame. Respondent denied diverting any medications from Rex Hospital, and pharmacy staff at Rex Hospital reported no unexplained shortages of any prescription drugs that could be attributed to Respondent.

6. CVS/pharmacy terminated Respondent's employment on December 14, 2009. Shortly thereafter, Rex Hospital suspended Respondent without pay pending resolution of this matter.

7. On January 6, 2010, Respondent reported to the Pavillon Center for the treatment of Alcoholism and other Drug Addictions for a three-day evaluation. At the conclusion of that evaluation, Pavillon staff reported that Respondent does not meet the criteria for substance abuse or dependence, although his diversion activities demonstrated a severe lack of judgment.

8. Pavillon recommended that Respondent be monitored for a period of time to be determined by North Carolina Pharmacist Recovery Network ("NCPRN"), that he obtain a

primary care physician and use that physician for all medications and medical treatment, and that he obtain medical care for any back pain rather than self-diagnosing or self-treating.

9. On January 27, 2010, Respondent entered into a one-year monitoring contract with NCPRN. The contract specifies that it may be lengthened or shortened at the discretion of NCPRN's Executive Director. Respondent's NCPRN contract includes all of the recommendations specified in Respondent's discharge summary from Pavillon.

CONCLUSIONS OF LAW

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

1. Respondent violated G.S. §§ 90-85.29, 90-85.40(b), 90-106(a), 90-108(a)(2), 106-134.1(a)(4); and 21 N.C.A.C. 46.1805.
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 upon the foregoing, and with the consent of the parties, IT IS THEREFORE ORDERED that the license of Respondent Dahir, License No. 19062, is hereby SUSPENDED for thirty (30) days, with the following conditions:

1. Twenty (20) days of the suspension are deemed served as of the date of this Final Consent Order;
2. The remaining ten (10) days of this suspension are stayed for a period of one (1) year upon Respondent's compliance with all terms of this Final Consent Order;
3. Respondent shall successfully complete all terms of his January 27, 2010 NCPRN contract;

4. Respondent shall violate no laws governing the practice of pharmacy or the distribution of drugs;
5. Respondent shall violate no rules or regulations of the Board;
6. If Respondent fails to comply with any terms or conditions of this Order, Respondent may be subject to additional disciplinary action by the Board.

This the 16th day of February, 2010.

NORTH CAROLINA BOARD OF PHARMACY

By:



Jack W. Campbell, IV
Executive Director