

STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY

IN THE MATTER OF)
)
DEEP RIVER DRUG,)
)
Permit Number 8944)

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 Deep River Drug (Permit No. 8944) ("Respondent" or "Deep River") was present through its owner, Ryan Hoskins.

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 its consent, Respondent also stipulates that it waives its 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, and was at all relevant times referred to herein, located at 2401 Hickwood Road, Suite B, High Point, North Carolina, and the holder of Permit Number 8944 issued by the Board. Respondent is, and was 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 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, Respondent learned of the dispensing error and of the possibility that the dispensed drugs caused or contributed to the patient's death. However, Respondent 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 Deep River Drug violated N.C. Gen. Stat. §§ 90-85.25(b), 90-85.38(b), 90-85.40(f), and 106-122; 21 N.C.A.C. 46 .1802, 46 .1804, 46 .1805, 46 .1810, 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 its permit under N.C. Gen. Stat. § 90-85.38.

DISCIPLINARY ACTION

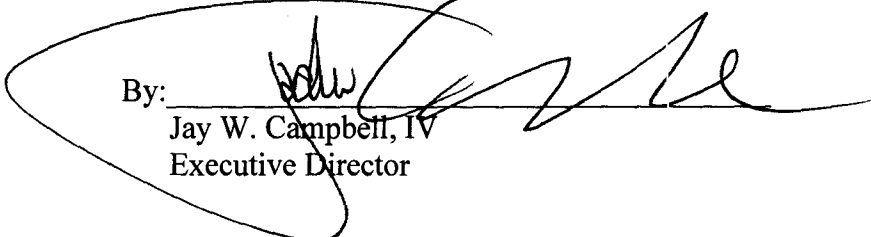
Based upon the foregoing, and with the consent of the parties, IT IS THEREFORE ORDERED that the permit of Respondent, Permit No. 8944, is hereby SUSPENDED for five (5) days, which suspension shall be stayed for one (1) year from the date that this Order is accepted by the Board, upon the following conditions:

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

Deep River Drug, the holder of permit number 8944, has full knowledge that it has the right to a hearing, at which it would have the right to be represented at its 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, it certifies that it has read the foregoing Consent Order and that it 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 it 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 it has the right to have counsel of its choice review and advise it with respect to its rights and this Consent Order, and represents that it enters this Consent Order after consultation with its counsel or after knowingly and voluntarily choosing not to consult with counsel. The undersigned certifies that its agent executing this Consent Order is duly authorized to accept the Consent Order on behalf of the permit holder and to bind the permit holder.

ACCEPTED AND CONSENTED TO BY:

DEEP RIVER DRUG (License No. 8944)

[Signature] Date 4/28/2011

By: Ryan Hoskins

Title: President

STATE OF North Carolina

Randolph 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:

Date: 04-28-2011

Zachary T. Bullock
Notary Public
NOTARY PUBLIC
ZACHARY T. BULLOCK
RANDOLPH COUNTY, NC

My commission expires: Jan 19, 2016

REJECTED BY:

DEEP RIVER DRUG (Permit 8944)

_____ Date _____