

NORTH CAROLINA BOARD OF PHARMACY

In Re:)
)
JABEZ HOME INFUSION COMPANY,) CONSENT ORDER TERMINATING
) SUMMARY SUSPENSION
Permit No. 8132)

THIS MATTER came on to be heard before the North Carolina Board of Pharmacy (the “Board”) on June 17, 2014, pursuant to a request by Jabez Home Infusion Company (“Jabez” or “Respondent”) to enter this Consent Order Terminating Summary Suspension. After appropriate notice, the matter was heard by Board President Gene Minton and Board Members Dr. J. Parker Chesson, Jr.; Carol Yates Day; E. Lazelle Marks; Robert McLaughlin, Jr., and William A. Mixon at the offices of the North Carolina Board of Pharmacy. Respondent Jabez Home Infusion Company was informed of its right to be present at the hearing, in person, and to be represented by counsel, and waived those rights. Board Counsel Clinton R. Pinyan and members of the Board’s investigative and legal staff were present at this hearing.

FINDINGS OF FACT

1. Since September 16, 2002, Respondent Jabez Home Infusion Company located at 2495 Hemby Lane, Suite B, Greenville, North Carolina, has been the holder of permit number 8132, with the exception of a period of summary suspension as described herein.

2. On March 7, 2014, the Board issued an Order Summarily Suspending Permit (the “Summary Suspension”), requiring Respondent to immediately cease any practice of pharmacy in North Carolina. The suspension was related to concerns that Respondent’s compounding practices could not assure the protection of the public health, safety and welfare.

3. After the Summary Suspension, Respondent hired a new proposed pharmacist-manager who has made changes to its planned sterile compounding practices in response to the

Board's findings of deficiencies. In May and June 2014, Board Investigators inspected Respondent's facility and reviewed its revised policies and procedures.

4. Respondent has requested termination of the summary suspension, pending the final disciplinary hearing on the complaint before the Board.

5. Respondent has represented that, in the future, it will not engage in high-risk sterile compounding, as defined in USP <797>. This provides the Board with additional assurances of the protection of the public health, safety and welfare.

6. Within 90 days of resumption of compounding activities, Respondent will be subject to inspection by the Board to determine if Respondent is operating within its revised policies and procedures and if Respondent is otherwise practicing in a fashion that assures the protection of the public health, safety and welfare. Respondent shall cooperate with the Board, its attorneys, investigators and other representatives in any inspection or investigation.

CONCLUSIONS OF LAW

In order to resolve the request for termination of the Summary Suspension, the Board finds and concludes that it is appropriate to grant the request for termination of the Summary Suspension. This conclusion is made solely to resolve the request for termination of the Summary Suspension. There is no admission, finding or conclusion about the merits of the complaint against Respondent, nor about any discipline that might or might not be appropriate after a final disciplinary hearing. In addition, this Order is entered without prejudice to any future disciplinary action, including but not limited to any future summary suspensions, based upon the results of any future inspection or complaint (including but not limited to the inspection referenced in Paragraph 6 of the Findings of Fact).

Based upon the foregoing, and with the consent of the parties, IT IS THEREFORE ORDERED that the request for termination of the Summary Suspension related to Respondent Jabez Home Infusion Company, Permit No. 8132, is GRANTED, and the Order Summarily Suspending Permit, dated March 7, 2014, is hereby terminated. Respondent is permitted to resume the practice of pharmacy in North Carolina

This the 17th day of June, 2014.

NORTH CAROLINA BOARD OF PHARMACY

By: 

Jack W. Campbell, IV
Executive Director

Jabez Home Infusion Company, the holder of permit number 8132, has full knowledge that it has the right to a formal 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 Jabez Home Infusion Company, and to bind the permit holder.

ACCEPTED AND CONSENTED TO BY:

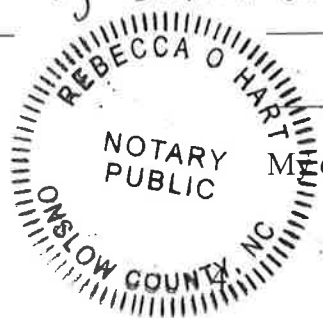
Darrin Sismar Date 6/11/14
Jabez Home Infusion Company
(Permit No. 8132)

NORTH CAROLINA

Pitt 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: Jabez Home Infusion Company

Date: 6-11-14 by Darrin Sismar Rebecca O. Hart



Notary Public
Rebecca O. Hart

My commission expires: April 12, 2016