

STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY

IN THE MATTER OF)
)
JAMES BALDWIN) **CONSENT ORDER**
)
License No. 6987)

THIS MATTER came on for consideration at a prehearing conference (hereinafter, "conference") pursuant to 21 N.C.A.C. 46.2008. This conference was scheduled for April 14, 2008 and, after appropriate notice, was heard on that day at the office of the North Carolina Board of Pharmacy (hereinafter, "Board") by Board member Wallace E. Nelson. Respondent James Baldwin ("Baldwin") was present at the conference and was represented by counsel, James A. Wilson. Board Counsel Clinton R. Pinyan and members of the Board's investigative and legal staff were also present at this conference.

FINDINGS OF FACT

1. Respondent Baldwin holds license number 6987. At all relevant times, Respondent Baldwin was a pharmacist employed by CVS/Pharmacy, 1122 Randolph Street, Suite 104, Thomasville, North Carolina and served as its pharmacist-manager.

2. Between July 2005 and May 2007, Respondent Baldwin created 15 unauthorized prescriptions for non-controlled drugs and dispensed those drugs without a valid prescription. Those unauthorized prescriptions included eight (8) prescriptions for Amoxicillin 500 mg, five (5) prescriptions for Amoxicillin 250 mg/5mL suspension, one (1) prescription for Cephalexin 500 mg, and one (1) prescription for Azithromycin 500 mg. These drugs were dispensed to members of a foster family in dire financial circumstances who were known by Respondent Baldwin to have received the drugs through valid prescriptions in the past. Respondent Baldwin

has acknowledged creating each of these unauthorized prescriptions and dispensing the drugs without a valid prescription.

3. The Board has taken into consideration as mitigating factors Respondent Baldwin's many years of practice in North Carolina without any disciplinary history, his cooperation and candor with the Board, and the unique circumstances of the dispensing in this case.

CONCLUSIONS OF LAW

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

1. Respondent Baldwin violated North Carolina General Statutes §§ 90-85.38(a)(6), (7) and (9) and (b) and 90-85.40(b) and (f); and 21 N.C.A.C. 46 .1801, 46 .1804, 46 .1805 and 46 .2301.

2. Respondent Baldwin 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 Baldwin, License No. 6987, is hereby SUSPENDED for five (5) days. That suspension is stayed for one (1) year from the date of this Order upon the following conditions:

- i. Respondent Baldwin shall not serve as a preceptor of pharmacy students;
- ii. Respondent Baldwin shall advise the Board within ten (10) days, in writing, of any change of address, change of employer, or change in practice status;
- iii. Respondent Baldwin shall violate no laws governing the practice of pharmacy or the distribution of drugs;


- iv. Respondent Baldwin shall violate no rules and regulations of the Board; and
- v. Respondent Baldwin shall cooperate with the Board, its attorneys, investigators and other representatives in any investigation and compliance with the provisions of this Consent Order.

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

The condition set forth in subparagraph i shall survive the period of one year from the date of this license and shall remain a restriction on Respondent Baldwin's license to practice pharmacy.

This the 17th day of June, 2008.

NORTH CAROLINA BOARD OF PHARMACY

By: 
Jay W. Campbell, IV
Executive Director

James Baldwin, the holder of license number 6987, 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.

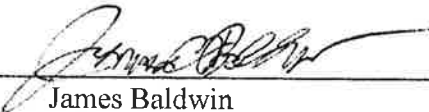
The undersigned understands and agrees that by entering into this Consent Order, he certifies that he has read the foregoing Consent Order and that he voluntarily consents to the terms and conditions set forth therein and relinquishes any right to judicial review of Board actions which may be taken concerning 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.

CONSENTED TO BY:

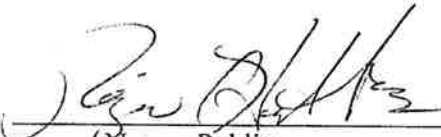
 Date 5/9/08
James Baldwin
(License No. 6987)

NORTH CAROLINA

Randolph 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: Kurt Lupton

Date: 5/9/08


Notary Public
Regina A. Hedrick-Ayers

My commission expires: 5/16/12

