BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:

Cynthia McLean, RPh.  
(License No. 12641)  

)  

CONSENT ORDER  

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This matter came on for consideration at a prehearing conference (hereinafter "conference") pursuant to 21 N.C.A.C. 46.2008 on August 22, 2006. Board member Stan Haywood presided. Also present at the conference were the following: Josh Kohler, Assistant Director of Investigations and Inspections; Karen Matthew, Director of Investigations and Inspections; Anna Baird Choi, Counsel for the Board; Cynthia McLean (Respondent); Karen Downing, Pharmacist Manager for Walmart Pharmacy; and Chuck Smith, District Manager for Walmart Pharmacy. Based upon the record in this proceeding and the statements and materials presented at the conference, the Board makes the following:

FINDINGS OF FACT

1. Respondent is licensed to practice pharmacy by the Board and is the holder of license number 12641. At all relevant times, Respondent was employed at Walmart Pharmacy located at 1675 N. Howe Street, Southport, North Carolina as a relief pharmacist.

2. On May 24, 2005, the Board received a complaint from the mother of a patient who alleged that her daughter had received Novolog 70/30 insulin on a prescription order for Novolog 100U/ml insulin.

3. The investigation produced evidence to show that on or about April 18, 2005, Respondent dispensed and delivered Novolog 70/30 on a prescription refill order for
Novolog 100U/ml. The label placed the box incorrectly indicated that the medication dispensed was Novolog 100U/ml.

4. The patient was admitted to the Dosher Memorial Hospital Emergency Room on May 30, 2005 with a blood sugar level in excess of 500. The patient remained at the hospital for approximately five hours and there was no evidence of any long-term harm.

5. Respondent expressed remorse for the error and accepted full responsibility.

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

CONCLUSIONS OF LAW

1. Respondent admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on her license under G.S. 90-85.38.

2. Respondent violated the following statutes and rules when she dispensed and delivered the incorrect medication:
   a. G.S. 90-85.38(a)(6), (7) and (9);
   b. G.S. 90-85.40;
   c. G.S. 90-85.29;
   d. G.S. 106-122;
   e. G.S. 106-134.1;
   f. 21 N.C.A.C. 46 .1805; and
   g. 21 U.S.C. 331, 352 and 353.
Based on the foregoing, and with the consent of the parties, IT IS THEREFORE,

ORDERED, as follows:

1. Respondent, license number 12641, is hereby reprimanded.

2. Respondent shall cooperate with the Board, its attorneys, investigators, and other representatives in any investigation of her practice and compliance with the provisions of this Consent Order.

3. Respondent shall violate no laws governing the practice of pharmacy or the distribution of drugs.

4. Respondent shall violate no rules and regulations of the Board.

5. 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 17th day of October, 2006.

NORTH CAROLINA BOARD OF PHARMACY

By: Jack W. Campbell, IV
    Executive Director
Cynthia McLean, the holder of License #12641, has full knowledge that she has the right to a hearing and to be represented by counsel in this matter. She freely, knowingly, and voluntarily waives such right by entering into this Consent Order on behalf of License #12641. The undersigned understands and agrees that by entering into this Consent Order, she certifies that she has read the foregoing Consent Order and that she voluntarily consents to the terms and conditions set out therein and relinquishes any right to judicial review of Board actions which may be taken concerning this matter. The undersigned further understands that should she 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.

Cynthia McLean, License #12641, accepts Board member Stan Haywood’s proposal in this matter.

CONSENTED TO BY:  

Cynthia McLean  
License No. 12641  

Date  

State of South Carolina  
Florence County  

I, Nancy K. Bosman, a Notary Public for the above-named County and State, do hereby certify that Cynthia McLean personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witnessed my hand and official seal

This the 11th day of October, 2006, by Cynthia McLean.

Nancy K. Bosman  
Notary Public  

Typed or Printed Notary Name  
MY COMMISSION EXPIRES 10-04-2009  
My Commission Expires  

Cynthia McLean, License No. 12641, does not accept the proposed Consent Order in this matter.

By:  

Cynthia McLean  
License No. 12641  

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