

STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY

IN THE MATTER OF)
)
THOMAS JOSEPH COPPOLA) **FINAL ORDER**
License Number 18108)

THIS MATTER came on to be heard before the North Carolina Board of Pharmacy (the "Board"), on January 17, 2012, pursuant to a Notice of Hearing, dated November 1, 2011, and was heard by Board President Dr. Betty H. Dennis and Board Members Rebecca W. Chater, Dr. J. Parker Chesson, Jr., E. Lazelle Marks, Robert McLaughlin, Jr., and Gene Minton at the offices of the North Carolina Board of Pharmacy. Board staff was represented by Bryan Starrett. Although Thomas Joseph Coppola ("Coppola") was provided notice of the hearing, he did not attend. The Board received evidence offered without objection by the Board staff and heard the testimony of Jack W. Campbell IV, Executive Director of the Board. Considering the testimony and evidence, the Board hereby makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. The Board is a body duly organized under the laws of the State of North Carolina and is the proper body for this proceeding under the authority granted to it in Chapter 90 of the General Statutes of North Carolina, and the rules and regulations promulgated thereunder. This matter came on for hearing pursuant to the Notice of Hearing, dated November 1, 2011. Coppola received the required notice of this hearing.
2. Since May 10, 2006, Coppola has been licensed by the Board to practice pharmacy in the State of North Carolina and has been the holder of license number 18108.

3. Since May 15, 2009, Coppola has also been licensed by the Board of Pharmacy of the State of Arizona (the "Arizona Board") to practice pharmacy in the State of Arizona and has been holder of license number S017161.

4. During all relevant times in 2010, Coppola was employed and served as the pharmacist-in-charge at CVS Pharmacy #9327 (the "Pharmacy") in Phoenix, Arizona.

5. In October 2010, a prescription for Chlorthalidone 25 mg. was dropped off at the Pharmacy. The prescription was entered, filled, and dispensed as Chlordiazepoxide 25 mg. tablets. The patient took the incorrect medication. The error was caught only when the patient refilled the prescription.

6. Coppola was the verification pharmacist who dispensed the erroneous prescription.

7. As a result of the Coppola's dispensing error, the Arizona Board initiated disciplinary actions against him pursuant to A.R.S. § 32-1901 *et seq.*

8. On February 25, 2011, Coppola accepted a proposed Consent Agreement to resolve the Arizona Board's disciplinary action against him. The Consent Agreement was accepted by the Arizona Board on March 21, 2011. That Consent Agreement is incorporated herein by reference.

9. In the Consent Agreement, the Arizona Board concluded, and Coppola agreed, that Coppola had violated various statutory and administrative provisions of Arizona law governing the practice of pharmacy. Specifically, in the Consent Agreement, the Arizona Board concluded, and Coppola agreed, that Coppola's conduct:

- a. Constituted unprofessional conduct in violation of A.R.S. § 32-1901.01(B)(2);

- b. Violated Arizona Administrative Code R4-23-402(A)(10)(b); and
- c. Violated Arizona Administrative Code R4-23-402(A)(11).

10. Board staff received notification of the Arizona Consent Agreement through the National Association of Boards of Pharmacy, and made several attempts to contact Coppola to obtain all records and information associated with the violations and with the discipline handed down by the Arizona Board of Pharmacy. Despite repeated efforts of Board Staff to contact Coppola, Coppola failed to cooperate or otherwise respond to the Board's investigative efforts.

CONCLUSIONS OF LAW

By virtue of the facts found above, the Board finds and concludes that Coppola has violated North Carolina General Statutes § 90-85.38(a)(6) and (9). Considering all of the facts and circumstances of this matter, the Board finds and concludes that the discipline set forth in this Final Order is appropriate.

WHEREFORE, it is hereby ORDERED, ADJUDGED and DECREED that the Board's request for imposition of discipline is hereby GRANTED as follows:

1. Coppola's license to practice pharmacy in the State of North Carolina is hereby SUSPENDED INDEFINITELY.
2. As a result of the suspension, Coppola shall not be present in any pharmacy in the State of North Carolina except as a customer, with a valid prescription from a treating physician.
3. Coppola may petition for reinstatement provided that:
 - a. Any such petition for reinstatement must be made in writing;
 - b. Any such petition for reinstatement must request a hearing before the Board to consider the petition; and

c. Coppola must attend in person any such hearing on a petition for reinstatement.

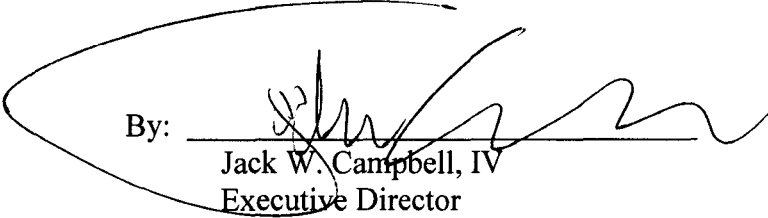
If a petition for reinstatement is submitted that does not satisfy the conditions set forth herein, the Executive Director is instructed to deny the petition and not to schedule any hearing on the petition before the Board.

The ability to petition for reinstatement under this Final Order does not indicate that the Board will grant any such petition. A license will be reinstated only upon order of the Board and only after a finding that the grant of reinstatement is appropriate under the Pharmacy Practice Act and its rules and regulations. In making that decision, the Board will consider, among other things, the gravity of the misconduct that caused the revocation, the applicant's history, the applicant's current ability to practice pharmacy with reasonable skill, competence and safety to the public and in compliance with the pharmacy laws, and the applicant's conduct since the order of suspension.

This, the 17th day of January, 2012.

NORTH CAROLINA BOARD OF PHARMACY

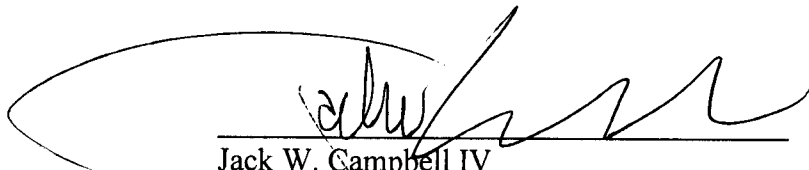
By: _____


Jack W. Campbell, IV
Executive Director

CERTIFICATE OF SERVICE

I certify that on January 24, 2012, I caused a copy of this Final Order to be served on Petitioner by registered mail, return-receipt requested:

[REDACTED]



Jack W. Campbell IV
Executive Director

cc: Coppola License File