

STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY

IN THE MATTER OF)
)
AHMED MAHGOUB) **CONSENT ORDER**
License No. 11602)
)

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 February 18, 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 Ahmed Mahgoub was present at the conference. Board Counsel Clinton R. Pinyan and members of the Board's investigative and legal staff were present at this conference, as were related respondents and their representatives.

FINDINGS OF FACT

1. Respondent Ahmed Mahgoub is licensed by the Board to practice pharmacy and is the holder of license number 11602. At all relevant times, Respondent Mahgoub was the pharmacist-manager of Wal-Mart Pharmacy (Permit No. 7964), 3000 East Franklin Boulevard, Gastonia, North Carolina 28055.
2. On or about August 23, 2007, Respondent Mahgoub dispensed Atenolol 25 mg to a patient who had been prescribed Atarax 25 mg and who had informed the pharmacy of her allergies to beta blockers.
3. Respondent Mahgoub acknowledged that he made the dispensing error.
4. As an aggravating factor, the Board considers Respondent Mahgoub's history with the Board. The Board has previously issued two letters of warning to Respondent Mahgoub

for issues related to the dispensing process. On April 26, 2002, the Board issued a Letter of Warning to Respondent Mahgoub for dispensing Hyoscyamine drops to an infant patient with incorrect directions for use. On May 24, 2004, the Board issued a Letter of Warning to Respondent Mahgoub for dispensing a generic product to a patient when the prescription called for dispensing a particular product as written.

CONCLUSIONS OF LAW

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

1. Respondent Mahgoub violated N.C. Gen. Stat. §§ 90-85.38(a)(6), (7), and (9), 90-85.40(f); and 21 N.C.A.C. 46 .1804(a).
2. Respondent Mahgoub 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:

1. The license of Respondent Ahmed Mahgoub, License No. 11602, is hereby suspended for five (5) days, to be served as follows:
 - a. Two days of the suspension must be served as an active suspension. These two days must be served on two consecutive weekdays of Respondent Mahgoub's choice, but they must be served within sixty (60) days of the date that this Order is accepted by the Board. Respondent Mahgoub is required to provide the Executive Director two (2) weeks' written notice before serving the suspension.

- b. The remaining three (3) days of the suspension are stayed for one (1) year upon the following conditions:
- i. Respondent Mahgoub must complete a live error reduction course acceptable to the Executive Director no later than one year from the date that the Board accepts this Order. Respondent Mahgoub is advised that such courses are offered by the Campbell University School of Pharmacy and other institutions. An on-line course will not fulfill this condition. Within ten (10) days after completing the course, Respondent Mahgoub shall confirm his participation to the Executive Director, in writing;
 - ii. Respondent Mahgoub shall promptly provide documentation to the Executive Director of any dispensing errors made during the year after the date that the Board accepts this Order. At the latest, such documentation shall be provided within five (5) business days after any error;
 - iii. During the stay period, Respondent Mahgoub shall advise the Board in writing and within 30 days of any change of the following: (a) employment address or (b) change in practice status;
 - iv. Respondent Mahgoub shall violate no laws governing the practice of pharmacy or the distribution of drugs;
 - v. Respondent Mahgoub shall violate no rules and regulations of the Board; and

- vi. Respondent Mahgoub 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.

This the 21st day of January, 2009.

NORTH CAROLINA BOARD OF PHARMACY

By: _____

Jay W. Campbell, IV
Executive Director

Ahmed Mahgoub, the holder of license number 11602, 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 _____
Ahmed Mahgoub
(License No. 11602)

NORTH CAROLINA

_____ 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: Ahmed Mahgoub

Date: _____

Notary Public

My commission expires: _____

OBJECTED TO BY:

_____ Date _____
Ahmed Mahgoub
(License No. 11602)

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CONSENTED TO BY:

Ahmed Mahgoub Date 01/16/09
Ahmed Mahgoub
(License No. 11602)

NORTH CAROLINA

Lincoln 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: Ahmed Mahgoub

Date: 1-16-09

Cynthia T. Mason
Notary Public

My commission expires: Expires August 28, 2010

