BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter of: William T. Walker (License No. 5445)

CONSENT ORDER OF DISCIPLINE

THIS MATTER came on to be considered at a prehearing conference (hereinafter, "Conference") before a member of the North Carolina Board of Pharmacy (hereinafter, "Board") pursuant to 21 N.C.A.C. 46.2008. This Conference was scheduled for October 15, 2007 and, after appropriate notice, was heard on that day by Board member Robert McLaughlin, Jr. at the office the Board. The Respondent William T. Walker (hereinafter "Respondent" or "Walker") was present and was not represented by counsel. Counsel Alexander Elkan represented the Board. Members of the Board’s investigative staff were also present at the Conference.

Respondent has agreed to waive a formal hearing in the above-referenced matter. Both parties stipulate to the findings of fact and conclusions of law recited herein and to the order of discipline imposed. Respondent also stipulates that he waives his right to appeal this Consent Order or challenge in any way the sufficiency of the findings of this Order by his consent. Based upon the consent of the parties, the Board hereby enters the following:

FINDINGS OF FACT

1. The North Carolina Board of Pharmacy is a body duly organized under the laws of North Carolina and is the proper body for this proceeding under the authority granted it in Chapter 90 of the General Statutes of North Carolina, and the rules and regulations promulgated thereunder.
2. Respondent is, and was at all relevant times referred to herein, a pharmacist licensed to practice pharmacy in the State of North Carolina with License No. 5445. Respondent was, at all relevant times referred to herein, the pharmacist manager of Pharmacy Land located at 137 N. Fieldcrest R., Eden, North Carolina (Permit No. 5651) (“Pharmacy Land,” or the “Pharmacy”). Respondent is and was, at all relevant times referenced to herein, subject to the rules and regulations of the North Carolina Board of Pharmacy and the laws of the State of North Carolina.

3. On August 16, 2006, Walker and Pharmacy Land (Permit No. 5651) erroneously and improperly dispensed approximately 30 dosage units of Amitriptyline 100 mgs where the dispensation was requested by a patient as a refill of a prescription for Allopurinol 100 mgs, the refill was dispensed erroneously as Amitriptyline 100 mgs, was improperly labeled, and was not authorized by prescription, and Walker and Pharmacy Land also failed to provide counseling and failed to maintain proper records.

4. Walker and Pharmacy Land failed to provide adequate security for Schedule II controlled substances, and, on or about January 6, 2007, approximately 100 dosage units of Oxycodone were stolen from the unlocked storage unit of the Pharmacy. Even after the theft, Walker and Pharmacy Land continued to maintain the Schedule II controlled substances in an insecure fashion by maintaining them in unlocked cabinets during the day.

5. On or about January 10, 2007, Walker and Pharmacy Land erroneously and improperly dispensed approximately 30 dosage units of Omeprazole 20 mg Delayed Release instead of the prescribed Prevacid 30 mg Delayed Release capsules. The drugs dispensed were improperly labeled and were not authorized by prescription. Walker and Pharmacy Land also failed to provide counseling and failed to maintain proper records.
6. On or about January 31, 2007, Walker and Pharmacy Land erroneously and improperly dispensed approximately 30 dosage units of Metoprolol 25 mg Immediate Release instead of the prescribed Metoprolol 25 mg Extended Release tablets. The drugs dispensed were improperly labeled and were not authorized by prescription. Walker and Pharmacy Land also failed to provide counseling and failed to maintain proper records.

7. On January 10, 2007 and January 31, 2007, Walker and Pharmacy Land further permitted a technician to work whose registration had been inactive since March 7, 2006.

8. Respondent does not agree with the above findings, but stipulates to such findings for the purposes of resolving these matters.

CONCLUSIONS OF LAW

1. All parties are properly before the Board, and the Board has jurisdiction over Respondent and the subject matter of this proceeding.

2. Respondent’s conduct, as set out in the findings of fact above constitute grounds for discipline pursuant to N.C. Gen. Stat. §§ 90-85.15A(b); 90-85.29; 90-85.30; 90-85.38(a)(6), (7), (9) and (b); 90-85.40(a), (b) and (f); 21 N.C.A.C. 46.1803, 46.1804, 46.1805, 46.2302, 46.2303, 46.2501, 46.2502(a) and (e), and 46.2504; and 21 U.S.C. §§ 331 and 352.

CONCLUSIONS REGARDING DISCIPLINE

Based upon the foregoing Findings of Fact and Conclusions of Law, and with the consent of the Respondent, the Board enters the following:
ORDER OF DISCIPLINE

1. Respondent William T. Walker's license to practice pharmacy (License No. 5445) is hereby suspended for a period of five (5) days. The full suspension shall be served within six (6) months of the date of entry of this Consent Order.

2. Respondent shall not serve as pharmacist manager of any pharmacy. After one year from the date this Consent Order is accepted by the Board, Respondent may petition the Board to lift this restriction, and such petition may be considered by the Board.

3. Respondent shall not serve as a preceptor of pharmacy students. After one year from the date this Consent Order is accepted by the Board, Respondent may petition the Board to lift this restriction, and such petition may be considered by the Board.

4. Respondent may not be employed as a pharmacist more than forty (40) hours per week, on the average. After one year from the date this Consent Order is accepted by the Board, Respondent may petition the Board to lift this restriction, and such petition may be considered by the Board.

5. Respondent shall complete an error reductions course providing a minimum of 5 hours of CE. These CE requirements shall be in addition to the annual CE requirement of 10 hours, shall be approved by the Executive Director, and shall be completed within six (6) months of the date this Consent Order is accepted by the Board. Respondent shall submit documentation to the Executive Director of the Board establishing that the required CE has been completed within the time period set forth;

6. Respondent shall take and pass the MPJE Examination administered by the NABP within twelve (12) months of the date this Consent Order is accepted by the Board. Respondent shall submit documentation to the Executive Director of the Board establishing that
this requirement has been met within the time period set forth. In the event that Respondent requires additional time to comply with the provisions of this paragraph, he may submit an appropriate written request or petition to the Board, and such request or petition may be considered by the Board;

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

8. Respondent shall violate no rules or regulations of the Board;

9. Respondent shall cooperate with the Board, its attorneys, investigators, and other representatives in any investigation and comply with the provisions of this Consent Order;

10. If Respondent fails to comply with any terms or conditions of this Consent Order, he may be subject to additional disciplinary action by the Board.

This the 15th day of April, 2008.

NORTH CAROLINA BOARD OF PHARMACY

By: Jack W. Campbell, IV
Executive Director
William T. Walker, the holder of license to practice pharmacy number 5445, has full knowledge that he has the right to a formal hearing in this matter, at which he would have the right to be represented at his expense by counsel. The undersigned freely, knowingly and voluntarily waives such rights 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:

[Signature]

William T. Walker
(License No. 5445)

NORTH CAROLINA

Rockingham 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: William T. Walker

Date: 4-2-2008

[Signature]

Betty Adkins-Jones
Notary Public

My commission expires: 04-05-2011