

STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:

DAVID JAMISON
(License No. 6575)

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CONSENT ORDER

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 April 15, 2013 and, after appropriate notice, was heard on that day by Board member R. Joseph McLaughlin, Jr. at the offices of the Board. Respondent David Jamison (License No. 6575) (hereinafter, "Respondent" or "Jamison") was present at the conference. Board Counsel Joseph A. Ponzi and members of the Board's investigative and legal staff were present at this conference, as were related respondents.

Respondent has agreed to waive a formal hearing in the above-referenced matter. Both parties stipulate and agree to the findings of fact and conclusions of law recited herein and to the order of discipline imposed. By his consent, 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. Based upon the consent of the parties, the Board hereby enters the following:

FINDINGS OF FACT

1. The Board 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. 6575. At all relevant times, Respondent was pharmacist-manager at Faulkner's Drugs, Permit No. 5036, located at 215 East Jefferson St., Monroe, North Carolina (the "Subject Pharmacy"). Respondent is and was, at all relevant times referenced to herein, subject to the rules and regulations of the Board and the laws of the State of North Carolina.

3. On April 27, 2012, Respondent improperly prepared and dispensed Morphine ER 60 mg to an elderly patient whose prescription called for Morphine ER 15 mg. The patient ingested approximately seven tablets of the errant medication. Thus, Respondent dispensed, and the patient ingested, four times the prescribed amount of Morphine, a schedule II controlled substance. As a result, the patient suffered a morphine overdose and was hospitalized.

4. On the date that the prescription was filled, Respondent, as pharmacist manager, permitted more than two technicians to work under the supervision of one pharmacist without Board authorization. One pharmacist supervised more than two technicians continuously from 10:30 a.m. to 5:30 p.m., which contributed to an increased risk of patient harm.

5. On October 2, 2012, the Subject Pharmacy prepared five prescriptions for a patient. The prescriptions called for, among other things, Losartan 100 mg and Hydrocodone/APAP 5/325 mg (a schedule III controlled substance). A vial was labeled for the Hydrocodone prescription, but instead was improperly filled with a second dose of the Losartan prescription. The prescription was dispensed by Respondent, but the prescription labels and pharmacy records incorrectly reflect the initials of another pharmacist. As a result of the error, the patient ingested twice the amount of the prescribed Losartan, an amount in excess of the

normal therapeutic dose, until October 11, 2012, when he began to suffer from flu-like symptoms.

6. In addition, inspections performed by Board investigators of the Subject Pharmacy revealed the following serial violations:

- a. On February 29, 2012, Respondent as pharmacist manager, and the Subject Pharmacy: (1) did not maintain proper storage and security for schedule II controlled substances; (2) maintained seven vials in active stock that lacked lot numbers or expiration dates; (3) maintained drugs in active dispensing stock that had expired over six months ago; and (4) maintained a compounding log that did not identify the compounder or include the reviewing pharmacist's initials.
- b. On June 1, 2012, Respondent as pharmacist manager, and the Subject Pharmacy: (1) maintained four vials in active stock that lacked lot numbers or expiration dates; (2) maintained eleven items in active dispensing stock that had expired over six months ago; and (3) maintained a pharmacist-to-technician ratio of one-to-three, without Board authorization.
- c. On November 8, 2012, Respondent as pharmacist manager, and the Subject Pharmacy: (1) kept the compounding room, equipment and utensils in an unsanitary and disorganized condition that posed a threat to the public health, safety and welfare; (2) maintained seven vials in active stock and nine vials in the compound room that lacked lot numbers or expiration dates; (3) maintained eleven items in active dispensing stock that had expired over six months ago, including drugs that had been specifically noted in the Subject

Pharmacy's June 1, 2012 inspection; (4) maintained a ratio of pharmacists-to-technicians of one-top-three, without Board authorization; (5) maintained a compounding log that did not identify the compounder or include the reviewing pharmacist's initials; and (6) maintained two vials of Simvastatin in active stock that had previously been dispensed to a patient by another pharmacy.

- d. On November 29, 2012, Respondent as pharmacist manager, and the Subject Pharmacy: (1) kept the compounding room, equipment and utensils in an unsanitary and disorganized condition that posed a threat to the public health, safety and welfare; (2) maintained seven vials in active stock that lacked lot numbers or expiration dates; (3) had eleven items in active dispensing stock that had expired over six months ago, including drugs that had been specifically noted in the Subject Pharmacy's June 1, 2012 inspection; and (4) failed to collect documentation of refusal to counsel on delivery prescriptions.

CONCLUSIONS OF LAW

Based on the above findings, the Board concludes as a matter 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, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 90-85.38 because Respondent's acts were in violation of N.C. Gen. Stat. §§ 90-85.15A(c), 90-85.29, 90-85.30, 90-85.38(a)(6), (7) and (9) and (b); 90-85.40(b) and (f); 90-104, 90-106, 90-108, 106-122, 106-134 and 106-134.1; and 21 N.C.A.C. 46 .1601(a), 46 .1802(b), 46 .1803, 46 .1804(a), 46 .1805, 46 .1810(4), (6) and (7), 46 .1818,

46 .2302, 46 .2303, 46 .2304, 46 .2501, 46 .2502(a) and (k), 46 .2508, and 46 .3001(a); 21 U.S.C. 331, 827, 829, 842 and 843; 21 C.F.R. 1301.71, 1301.75, 1304.03, 1304.04, 1304.21, 1304.22, 1306.11, 1306.14.

3. Respondent 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 David Jamison, License No. 6575, is hereby SUSPENDED for thirty (30) days. Of that suspension, five (5) days shall be served as an active suspension to be served consecutively, commencing within 30 days of the date that the Executive Director executes this Order after Board approval, with Respondent to notify the Executive Director in writing and return his wallet card and license in advance of service of the suspension. The active suspension shall commence on a Monday at 12:01 a.m. and run for 5 full, consecutive 24-hour days. During the term of his suspension, Respondent may not be present in any pharmacy, except as a customer with a valid prescription.

The remaining fifteen (25) days of the suspension shall be stayed for two (2) years from the date that this Order is accepted by the Board, upon the following conditions:

1. Respondent shall advise the Board promptly in writing of any change of address or change in practice status;
2. Respondent shall violate no laws governing the practice of pharmacy or the distribution of drugs; and
3. Respondent shall violate no rules or regulations of the Board.

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

This the 14th day of May, 2013.

NORTH CAROLINA BOARD OF PHARMACY

By: 

Jack W. Campbell, IV
Executive Director

David Jamison, the holder of license number 6575, has full knowledge that he has the right to a formal 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:

David Jamison Date 5-7-13
David Jamison
(License No. 6575)

NORTH CAROLINA

Union 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: David Jamison

Date: May 7, 2013

Peggy L. Prince
Notary Public
Peggy L. Prince

My commission expires: April 16, 2014

