

VIRGINIA:

BEFORE THE BOARD OF PHARMACY

IN RE: JOSEPH A. OLEY, PHARMACIST
License No. : 0202-012292

ORDER

Pursuant to § 2.2-4019, § 2.2-4021 and § 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), a Special Conference Committee ("Committee") of the Virginia Board of Pharmacy ("Board") composed of David C. Kozera and Brandon K. Yi met regarding Joseph A. Oley on February 14, 2012, in Henrico, Virginia. Mr. Oley appeared in person at the informal conference and was not represented by counsel. The purpose of the informal conference was to receive and act upon evidence concerning the allegations in the Notice of Informal Conference dated January 4, 2012.

After consideration of the evidence and statements concerning the allegations, the Committee makes the following findings of fact and conclusions of law:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Joseph A. Oley holds license number 0202-012292 issued by the Board to practice as a pharmacist in the Commonwealth of Virginia.
2. Mr. Oley violated § 54.1-3316(1), (7), and (13) and § 54.1-3457(16) of the Code and 18 VAC 110-20-270(C) of the Board of Pharmacy Regulations in that, during the course of his employment as a pharmacist at Westbury Pharmacy, Richmond, Virginia, on July 5, 2010, he dispensed RX #2426459 for methadone 5mg/5ml solution (methadone HCL, Schedule II) instead of the prescribed Methlyn 5mg/5ml solution (methylphenidate HCL, Schedule II). The prescription was dispensed to a minor child on July 7, 2010. The child took one dose and suffered from lethargy, vomiting and seizures; as a result, he was hospitalized for 24 hours.
3. Mr. Oley stated to the Committee that, when Westbury Pharmacy receives a prescription wherein the drug must be ordered, the current system maintains information that

indicates the ordering pharmacist is the final verifying pharmacist of the dispensed prescription. He further stated that the pharmacist may or may not be the dispensing pharmacist. Additionally, when dispensed, the actual drug is not compared to the hard copy prescription.

4. Mr. Oley also stated that Westbury Pharmacy plans to transition to a new system that will allow for appropriate identification of the individuals involved in the dispensing process and will allow for the dispensing pharmacist to view an image of the prescription during the final verification process.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED that:

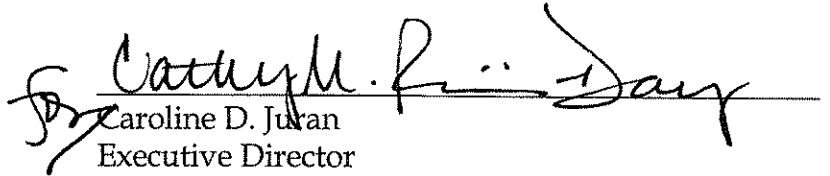
1. Joseph A. Oley shall be issued a REPRIMAND.
2. Mr. Oley shall successfully complete the eight-hour CE course "Medication Error CE & Training Series-Quality Related Event 8 Hour Course" within sixty (60) days of the date of entry of this Order, with documentation of satisfactory completion submitted to the Board within ninety (90) days of completion of the course. Said class shall be in addition to the fifteen (15) hours required for the renewal of his license.
3. Mr. Oley shall maintain a course of conduct commensurate with the requirements of Chapters 33 and 34, Title 54.1 of the Code. Any violation of these terms or of any law or regulation affecting the practice of pharmacy in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of his license and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

Pursuant to § 2.2-4023 and § 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public release, inspection and copying upon request.

Should Mr. Oley disagree with the Committee's decision, he may request a formal administrative hearing before the Board or a panel thereof, pursuant to § 54.1-2400(10) of the Code, not later than 5:00 p.m. on April 5, 2012, by notifying, in writing, Caroline D. Juran, Executive Director, Board of Pharmacy, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Upon the filing with the Executive Director for a request for a formal administrative hearing, this Order shall be vacated.

Therefore, this Order shall become final on April 5, 2012, unless a request for a formal administrative hearing is received as described above.

FOR THE BOARD:


Caroline D. Juran
Executive Director

Entered: March 2, 2012