

FILED

SEP 08 2010

BOARD OF PHARMACY

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :

MARK MCKINNEY, R.P. :
License No.:28R103258500 :

TO PRACTICE PHARMACY IN THE :
STATE OF NEW JERSEY :

Administrative Action

**FINAL ORDER
OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Pharmacy (the "Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent, Mark McKinney ("Respondent") is a pharmacist in the State of New Jersey and has been a licensee at all times relevant hereto.
2. By Agreed Board Order filed May 5, 2009 ("Texas Order"), the Texas State Board of Pharmacy suspended Respondent's license to practice pharmacy in Texas for a period of two (2) years, all stayed under the condition that Respondent abide by the terms of the Texas Order, as well as all Federal laws and laws of the State of Texas with respect to pharmacy, controlled substances, dangerous drugs, and all rules and regulations adopted pursuant to the above mentioned statutes. Respondent was also required to pay a probation fee of \$1,200.
3. The Texas Order alleged that respondent, while acting as a staff pharmacist at Mother Frances Pharmacy, 800 E. Dawson, Tyler, Texas 75701, distributed an IV solution for patient B.G.

diluted with sterile water instead of normal saline. As a result of the error, patient B.G. experienced short-term effects of acute hemolysis, nausea, vomiting and diarrhea, and a long-term adverse effect of renal failure for approximately seven months.

CONCLUSIONS OF LAW

The above disciplinary action taken by the sister State of Texas provides grounds to take disciplinary action against Respondent's license to practice pharmacy in New Jersey pursuant to N.J.S.A. 45:1-21(g), in that Respondent has had his authority to engage in the activity regulated by the Board suspended or revoked by another state for reasons consistent with N.J.S.A. 45:1-21.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking suspension of respondent's license to practice pharmacy in the State of New Jersey was entered on June 9, 2010 and a copy was forwarded to respondent's last known address by means of both regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Although the Provisional Order was served upon respondent on June 16, 2010 at his address of record on file with the Board, and a green return receipt card was received by the Board, no

response has been received to date. Accordingly the Board considered the matter, determined that further proceedings were not necessary and the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 8th day of SEPTEMBER, 2010

ORDERED that:

1. Respondent's license to practice pharmacy in the State of New Jersey be and hereby is suspended for a minimum of two years, retroactive to June 4, 2009, all to be stayed and served as a period of probation. Respondent may not seek an unrestricted New Jersey license until his Texas license is actively reinstated with no restrictions or conditions.

2. During the probationary period, respondent shall comply with all of the requirements and restrictions of the Texas Order, and shall notify the New Jersey Board within five (5) business days of receiving a notice of any action filed with regard to an alleged violation of the Texas Order. Any determination of noncompliance with the Texas Order shall constitute a violation of this Order.

3. In the event that respondent seeks reinstatement of an unrestricted New Jersey pharmacy license at any time in the future, this Order shall require respondent to demonstrate fitness to practice pharmacy and show proof that he holds an active unrestricted license to practice pharmacy in the State of Texas. After considering all available information the Board will determine whether to impose restrictions or conditions on respondent's license at that time.

NEW JERSEY STATE BOARD OF PHARMACY

By: Edward G. McGinley
Edward G. McGinley, R.Ph.
President