

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH
DIVISION OF HEALTH SERVICES REGULATION
BOARD OF PHARMACY

In the Matter of:

Gerald Burnham, RPH
#RPH04090

CONSENT ORDER

Pursuant to Rhode Island General Laws § 5-19.1-21 and the Rules and Regulations promulgated thereunder, the Department of Health (Department), Board of Pharmacy (Board) has investigated a complaint charging Gerald Burnham, RPh (hereinafter "Respondent"), with violations of RIGL § 5-19.1-21, and § 27 of the Rules and Regulations Pertaining to Pharmacists, Pharmacies and Manufacturers, Wholesalers and Distributors. After consideration by the Board, the following constitutes the Findings of Fact with respect to the professional performance of the Respondent:


- 1) Respondent is licensed as a registered pharmacist in the State of Rhode Island and holds license #RPH04090
- 2) Respondent is a pharmacist at the Miriam Hospital located at 164 Summit Avenue, Providence, Rhode Island.
- 3) Pursuant to § 5-19.1-21, the foregoing facts constitute unprofessional conduct in the State of Rhode Island.
 - i) That on February 22, 2014, Respondent acknowledges that while practicing at the Miriam Hospital Pharmacy he approved the incorrect dosage (~~150 mg vs. 15 mg~~ ^{50mg vs. 5mg}) of Baclofen for the patient causing the Patient to become unresponsive.
 - ii) That Respondent failed to clarify dose of Baclofen with Physician.

Based on the foregoing, the parties agree as follows:


1. Respondent is a registered pharmacist and is able to conduct business under and by virtue of the laws of the State of Rhode Island.
2. Respondent admits to the jurisdiction of the Department and hereby agrees to remain under the jurisdiction of the Department.
3. Respondent has read this Consent Order and understands that it is a proposal of the Department and is subject to the final ratification by the Department. This Consent Order and the contents thereof are not binding on Respondent until final ratification by the Department.
4. Respondent hereby acknowledges and waives:
 - a) The right to appear personally or by counsel or both before the Department;
 - b) The right to produce witnesses and evidence in his behalf at a hearing;
 - c) The right to cross-examine witnesses;
 - d) The right to have subpoenas issued by the Department;
 - e) The right to further procedural steps except for those specifically contained herein;
 - f) Any and all rights of appeal of this Consent Order;
 - g) Any objection to the fact that this Consent Order will be presented to the Department for consideration and review;
 - h) Any objection to the fact that it will be necessary for the Department to become acquainted with all evidence pertaining to this matter in order to adequately review this Consent Order;
 - i) Any objection to the fact that the Department reviewing this Consent Order may be the same as the hearing committee presiding over this matter should it later be brought to an administrative hearing; and
 - j) Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order to the Department.
5. This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and accepted by the Department.

6. Acceptance by the Respondent and approval by the Department of this Consent Order constitutes an admission of the facts contained herein.
7. Respondent hereby agrees to a Formal Reprimand of his registered pharmacist license.
8. That should Respondent violate the terms of this Consent Order, Respondent shall be subject to further disciplinary sanctions.

12 JAN 15
Date

 RPH
Gerald Burnhan, RPh
License # RPH04090

4/16/15
Date


Kelly Orr, Pharm.D., RPh
Chairperson
Rhode Island Board of Pharmacy