

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In Re:

JoAnn E. Cain
(License No. 11321)

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**ORDER REINSTATING LICENSE
WITH CONDITIONS**

THIS MATTER was heard on November 17, 2008, by the North Carolina Board of Pharmacy (the "Board") located at 6015 Farrington Road, Suite 201, Chapel Hill, North Carolina, upon the request of JoAnn E. Cain (the "Petitioner") for reinstatement of her license to practice pharmacy in the state of North Carolina. Board President Haywood and Board members Chater, Chesson, Dennis, McLaughlin and Nelson conducted this hearing. After hearing the testimony of witnesses, adjudging the credibility of the witnesses and receiving evidence, the Board makes the following:

FINDINGS OF FACT

1. At all relevant times, Petitioner was licensed to practice pharmacy by the Board and was the holder of license number 11321.
2. On May 16, 2006, Petitioner obtained inpatient substance abuse treatment at Pavillon Center. Petitioner was discharged from Pavillon Center on June 26, 2006.
3. On May 19, 2006, Petitioner entered into a contract with the North Carolina Pharmacist Recovery Network ("NCPRN").
4. On January 5, 2007, Petitioner signed a consent order whereby the Board suspended her license, but stayed the suspension subject to a number of conditions, including the condition that Petitioner maintain a contract with NCPRN and fully comply with the terms of that contract (the "Consent Order").

5. After a period of substantial non-compliance with the requirements of her NCPRN contract, Petitioner voluntarily surrendered her license on June 29, 2007.
6. By failing to fully comply with the requirements of her contract with NCPRN, Petitioner violated the terms of the Consent Order.
7. Petitioner has continued to remain under her contract with NCPRN. Paul Peterson, Executive Director of NCPRN, testified that Petitioner has been in full compliance with her NCPRN contract since March of 2008.

CONCLUSIONS OF LAW

Petitioner has demonstrated that she has maintained a period of successful recovery and compliance with her NCPRN contract. The Board, in its discretion, concludes that Petitioner can safely resume the practice of pharmacy. However, because of Petitioner's violation of a prior Consent Order with the Board, it is appropriate under the circumstances of this case for any violation of the terms of this Order to result in the immediate and final revocation of Petitioner's license to practice pharmacy.

IT IS THEREFORE ORDERED that Petitioner's license to practice pharmacy shall be reinstated on the condition that Petitioner fully complies with all of the following conditions:

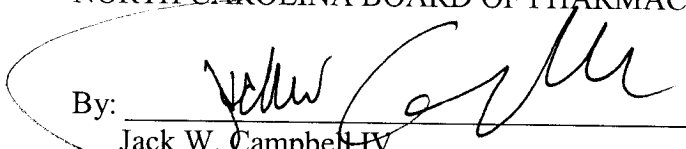
1. Petitioner shall successfully complete her NCPRN contract, which shall be renewed to extend for five (5) years from the date of this Order. Any violation of the terms of Petitioner's NCPRN contract shall result in the immediate and final revocation of Petitioner's license to practice pharmacy.

2. Petitioner shall advise the Board promptly in writing of any change of address or change in practice status.
3. Petitioner shall not serve as a pharmacist manager of any pharmacy.
4. Petitioner shall not serve as a preceptor of pharmacy students.
5. For a period of at least eight (8) weeks after resuming pharmacy practice, Petitioner may not be employed as a pharmacist for more than thirty (30) hours per week, on average. After eight weeks, and with the express approval of NCPRN, Petitioner may increase her hours worked, but in any event she may not be employed as a pharmacist for more than forty (40) hours per week on average.
6. Petitioner shall authorize NCPRN, and any treating physician or other health-care provider to release Petitioner's medical records to the Board.
7. Petitioner shall violate no laws governing the practice of pharmacy or the distribution of drugs.
8. Petitioner shall violate no rules or regulations of the Board.
9. Any violation of the terms or conditions of this Order shall result in the immediate and final termination of Petitioner's license to practice pharmacy.

This the 3rd day of December, 2008.

NORTH CAROLINA BOARD OF PHARMACY

By: _____


Jack W. Campbell IV
Executive Director

CERTIFICATE OF SERVICE

I certify that on December ^{4th}1, 2008, I caused a copy of this Order Reinstating License with Conditions to be served on Petitioner by registered mail, return receipt requested.



Jack W. Campbell IV
Executive Director