

**STATE OF NORTH CAROLINA  
NORTH CAROLINA BOARD OF PHARMACY**

<b>IN THE MATTER OF</b>	)	
	)	
<b>KRESA MAUDE CUMMINGS</b>	)	<b>CONSENT ORDER</b>
<b>(Pharmacist License #19011)</b>	)	<b>REINSTATING LICENSE</b>
	)	<b>WITH CONDITIONS</b>
	)	
_____	)	

THIS MATTER came to be considered at a prehearing conference (hereinafter, "Conference") before a member of the North Carolina Board of Pharmacy (hereinafter, the "Board") pursuant to 21 N.C.A.C. 46.2008. The Conference was scheduled for January 16, 2017 and, after appropriate notice, was heard on that day by Board member William A. Mixon at the offices of the Board. Petitioner Kresa Maude Cummings (hereinafter, "Petitioner") was present at the Conference. The Board's Executive Director, Jay Campbell, represented the Board.

Petitioner 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 her consent, Petitioner also stipulates that she waives his right to appeal this Consent Order or challenge in any way the sufficiency of the findings of this Order as a basis for the action taken. Based upon the consent of the parties, the Board hereby enters the following:

**FINDINGS OF FACT**

1. Petitioner formerly held North Carolina license to practice pharmacy number 19011.
2. On October 11, 2012, Board staff received report from the North Carolina State Bureau of Investigation that Petitioner had dispensed a number of fraudulent

prescriptions for oxycodone products (Schedule II) and benzodiazepines (Schedule IV) from her then place of practice.

3. Petitioner was subsequently charged criminally as a result of dispensing these fraudulent prescriptions, eventually pleading guilty to one misdemeanor count of unlawful distribution of controlled substances.
4. When approached by Board investigative staff, Petitioner declined to surrender her license to practice pharmacy. The Board's Executive Director and counsel for Petitioner, however, entered into an agreement whereby Petitioner would not practice pharmacy pending resolution of the criminal proceedings against her.
5. In December 2014, while criminal proceedings were still pending, Petitioner was charged with driving under the influence. When Petitioner renewed her pharmacist license for 2015, she did not – as she was required to do – report this charge. When the charge came to Board staff's attention, Petitioner agreed to voluntarily surrender her pharmacist license, and did so on June 18, 2015. Petitioner was subsequently convicted of a Level 5 DUI charge, stemming from her driving under the influence of zolpidem, a Schedule IV controlled substance.
6. Petitioner now acknowledges that she has a substance use disorder. Petitioner acknowledges her responsibility for dispensing the fraudulent controlled substance prescriptions as reported to Board staff in October 2012, though she denies that she benefitted personally from doing so. Petitioner admits that she abused oxycodone products and benzodiazepines, though she denies that she diverted oxycodone products or benzodiazepines from any place of practice, but rather acquired them from other sources.

7. Petitioner did not seek evaluation of, or treatment for, her substance use disorder until June 2015. At that time, Petitioner contacted the North Carolina Pharmacist Recovery Network (“NCPRN”), which recommended that she undergo inpatient evaluation at treatment. Petitioner did not act on that recommendation.
8. In early 2016, Petitioner reestablished contact with NCPRN. NCPRN referred Petitioner to the North Carolina Physicians Health Program (“NCPHP”). NCPHP recommended inpatient evaluation and treatment, which Petitioner completed in July 2016.
9. NCPHP reports that, with the exception of one instance of minor non-compliance (not repeated), Petitioner has complied with all aspects of her monitoring contract, including random screening, counseling, and group meetings.
10. NCPHP advocates for Petitioner’s return to the practice of pharmacy, with appropriate conditions.

### **CONCLUSIONS OF LAW**

The Board, in its discretion, concludes that Petitioner can safely resume the practice of pharmacy under the conditions stated below.

**IT IS THEREFORE ORDERED** that Petitioner’s license to practice pharmacy is **REINSTATED, SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Petitioner shall complete an Application to Reinstate a Lapsed or Inactive License and pay the appropriate fee.
2. As part of the Application to Reinstate a Lapsed or Inactive License, Petitioner shall provide proof that she has obtained thirty (30) hours of continuing education, sixteen (16) of which must be live or contact hours.

These hours represent the continuing education obligation Petitioner would have been required to meet to renew her pharmacy license for 2016 and 2017.

3. Petitioner shall successfully complete her NCPHP treatment and monitoring agreement.
4. For the duration of her NCPHP treatment and monitoring agreement, Petitioner shall obtain prior approval of all employment as a pharmacist from NCPHP.
5. For the duration of her NCPHP treatment and monitoring agreement, Petitioner may not be employed as a pharmacist more a number of hours per week approved by NCPHP as clinically consistent with Petitioner's recovery.
6. Petitioner may not serve as a pharmacist-manager. Not less than one (1) year from the date of this Order, Petitioner may petition the Board to lift or modify this restriction. This Order contains no promise or guarantee, express or implied, that the Board would grant any such petition.
7. Petitioner may not take an ownership interest in any pharmacy. Not less than one (1) year from the date of this Order, Petitioner may petition the Board to lift of modify this restriction. This Order contains no promise or guarantee, express or implied, that the Board would grant any such petition.
8. Petitioner shall be subject to unannounced drug screens to be performed at her expense by the Board or its agents, and shall supply urine, blood, hair,

nail or any other bodily fluid or tissue sample required for the screening. Results of the screening shall not disclose the presence of any controlled substance, prescription drug, or alcohol that was not previously prescribed for Petitioner by a practitioner acting in the normal course of medical treatment of Petitioner.

9. Petitioner shall authorize NCPHP and any treating physician or other health care provider to release Petitioner's medical records to the Board.
10. Petitioner shall violate no laws governing the practice of pharmacy or the distribution of drugs.
11. Petitioner shall violate no rules or regulations of the Board.
14. If Petitioner fails to comply with any term or condition of this Order, Petitioner may be subject to additional disciplinary action by the Board.

This is the 17<sup>th</sup> day of January, 2017

NORTH CAROLINA BOARD OF PHARMACY

By:   
\_\_\_\_\_  
Jack W. Campbell IV  
Executive Director

Kresa Maude Cummings has full knowledge that she has the right to a formal hearing, at which she would have the right to be represented at her 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, she certifies that she has read the foregoing Consent Order and that she 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 she violate the terms and conditions of this Consent Order, the Board may take additional 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 she has the right to have counsel of her choice review and advise her with respect to her rights and this Consent Order, and represents that she enters this Consent Order after consultation with her counsel or after knowingly and voluntarily choosing not to consult with counsel.

CONSENTED TO BY:

Kresa Maude Cummings Date 1-16-17  
Kresa Maude Cummings

STATE OF North Carolina

Durham 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: Kresa Maude Cummings

Date: 1/12/17



Cindy R. Parham  
Notary Public  
Cindy R. Parham

My commission expires: 10/14/17

I DO NOT CONSENT:

Date \_\_\_\_\_

\_\_\_\_\_ **Kresa Maude Cummings**