

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:

Tonya Bell-Prince  
(License No. 11705)

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CONSENT ORDER

This matter came on for consideration at a prehearing conference (hereinafter "conference") pursuant to 21 N.C.A.C. 46 .2008. This conference was scheduled for September 25, 2006 and was heard on that day at the Board office before Board President Rebecca Chater. Also present at the conference were the following: Krystal Brashears, Board Investigator; Karen Matthew, Director of Investigations and Inspections; Anna Baird Choi, Counsel for the Board; Paul Peterson, Executive Director of the North Carolina Pharmacist Recovery Network (PRN); Charles Everage, Counsel for Tonya Bell-Prince; and Tonya Bell-Prince (Respondent Pharmacist). Based upon the record in this proceeding and the statements and materials presented at the conference, the Board makes the following:

FINDINGS OF FACT

1. Respondent Pharmacist is licensed to practice pharmacy by the Board and is the holder of license number 11705. Respondent Pharmacist is currently employed as a staff pharmacist at a Walmart Pharmacy located in Charlotte, North Carolina.
2. On or about June 20, 2006, the Board received information from Paul Peterson that Respondent Pharmacist had submitted a urine drug sample which tested as "dilute."
3. On November 7, 2005, April 1, 2006 and May 11, 2006, Respondent Pharmacist failed to call in to determine if she should be drug tested.

4. On November 7, 2005, Respondent Pharmacist failed to report for a drug test.
5. On June 6, 2006, Respondent Pharmacist submitted a urine sample for drug analysis, the result of which was dilute. On June 9, 2006, Respondent Pharmacist submitted another urine sample for drug analysis, the result of which was negative.
6. By response to a letter from PRN dated November 23, 2005, Dr. William Bullock informed PRN that he was not aware that the Mepergen Forte had been previously prescribed by Dr. Priveer Sharma for Respondent Pharmacist.
7. PRN records reflect that Bruce Lawrence, LPC, informed PRN on June 30, 2006 that Respondent Pharmacist was terminated from her continuing care group. However, by letter dated June 22, 2006, Mr. Lawrence informed PRN that Respondent Pharmacist "presents as being dedicated to her sobriety."
8. Respondent Pharmacist was terminated from the PRN program by letter dated July 3, 2006.
9. At the prehearing conference, counsel for Respondent Pharmacist submitted documents from National Toxicology Specialists, Inc. which reflected results from seven urine drug screens performed after termination from her PRN contract, all of which were negative.
10. At the prehearing conference, counsel for Respondent Pharmacist submitted a letter dated September 20, 2006 from her psychiatrist, Dr. Morris McEwen. The letter stated that Ms. Bell-Prince attends Alcoholics Anonymous three times a week and regularly attends sessions with her psychiatrist and substance abuse counselor.
11. At the prehearing conference, counsel for Respondent Pharmacist submitted a Forensic Psychiatric Evaluation dated August 16, 2006 which was performed by Dr. Morris McEwen. The evaluation reflected that Respondent Pharmacist "continues to show an

excellent attitude. . . and wanting to continue with NCPRN and wanting to cooperate in any matter toward establishing credibility, freedom from drugs and compliance with any request that might come her way in regards to recovery.”

Based on the above findings, the Board concludes as a matter of law:

CONCLUSIONS OF LAW

1. Respondent Pharmacist admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on her license under G.S. 90-85.38.
2. Respondent Pharmacist violated the following statutes and rules when she failed to comply with the terms of her PRN contract:
  - a. G.S. 90-85.38(a)(6) and (7);
  - b. G.S. 90-85.41; and
  - c. 21 N.C.A.C. 46 .3209.

Based on the foregoing, and with the consent of the parties, IT IS THEREFORE, ORDERED, as follows:


1. Respondent Pharmacist, license number 11705, shall enter into a new five-year PRN contract and immediately begin testing procedures consistent with the contract. Respondent shall maintain compliance with her PRN contract.
2. Within sixty (60) days of receipt of information regarding two treatment facilities recommended by Ms. Chater, Respondent Pharmacist shall be evaluated by one of the two facilities and provide written documentation of the evaluation to the Board's Executive Director and PRN. If in-patient treatment is recommended, Respondent Pharmacist shall comply with the recommendation.

3. Respondent Pharmacist shall not serve as a pharmacist manager.
4. Respondent shall be subjected to unannounced drug screens by the Board or its agents to be performed at her own expense 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 substances, prescription drug, or alcohol which was not previously prescribed for Respondent by a practitioner acting in the normal course of medical treatment.
5. Respondent Pharmacist shall cooperate with the Board, its attorneys, investigators, and other representatives in any investigation of her practice and compliance with the provisions of this Consent Order.
6. Respondent Pharmacist shall violate no laws governing the practice of pharmacy or the distribution of drugs.
7. Respondent Pharmacist shall violate no rules and regulations of the Board.
8. If Respondent Pharmacist fails to comply with any terms or conditions of this Consent Order, Respondent Pharmacist may be subject to additional disciplinary action by the Board.

This the 21<sup>st</sup> day of November, 2006.

NORTH CAROLINA BOARD OF PHARMACY

By: \_\_\_\_\_

  
Jack W. Campbell, IV  
Executive Director

Tonya Bell-Prince, the holder of License #11705, has full knowledge that she has the right to a hearing and to be represented by counsel in this matter. She freely, knowingly, and voluntarily waives such right by entering into this Consent Order on behalf of License #11705. 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 out 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 disciplinary action. The undersigned understands and agrees that this Consent Order will not become effective unless and until approved by the Board.

Tonya Bell-Prince, License #11705, accepts Board member Rebecca Chater's proposal in this matter.

CONSENTED TO BY: Tonya Bell-Prince 10/18/06  
Tonya Bell-Prince Date  
License No. 11705

State of South Carolina  
McClellan County

I, Gerrine Mendez, a Notary Public for the above-named County and State, do hereby certify that Tonya Bell-Prince personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witnessed my hand and official seal

This the 18 day of Oct, 2006, by Tonya Bell-Prince.

Gerrine Mendez  
Notary Public

Gerrine Mendez  
Typed or Printed Notary Name

My Commission Expires 12/06/2010

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Tonya Bell-Prince, License No. 11705, does not accept the proposed Consent Order in this matter.

By: \_\_\_\_\_  
Tonya Bell-Prince Date  
License No. 11705