

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In The Matter Of:

**Jerome Andrew Turchin
(License No. 10421)**

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ORDER REINSTATING LICENSE

THIS MATTER came on for hearing upon request of Jerome Andrew Turchin (Petitioner) for reinstatement of his license to practice pharmacy in North Carolina. Petitioner's request was heard on November 15, 2005, by the North Carolina Board of Pharmacy located at 6015 Farrington Rd., Suite 201, Chapel Hill, North Carolina. Consideration of the Petitioner's request was heard based upon records in this proceeding, and the testimony and other materials of record presented at the hearing, the Board makes the following:

FINDINGS OF FACT

1. Petitioner was licensed on July 18, 1989, to practice pharmacy by the North Carolina Board of Pharmacy and was the holder of license number 10421.
2. On February 2, 2005, Petitioner voluntarily surrendered his license and ceased practicing pharmacy based upon his obtaining, consuming and dispensing legend prescription drugs and controlled substances without authorization and in violation of State and Federal statutes and regulations.
3. On July 12, 2004, the Board received notice from State Bureau of Investigations supervising agent Judy Billings that her agency had begun an investigation on July 8, 2004, involving the Petitioner. The SBI was notified by Eckerd's Loss

and Prevention personnel regarding Petitioner's high state of impairment while on duty as a pharmacist.

4. The case was assigned to North Carolina Board of Pharmacy Investigator Sandra Burns. During an interview with Agent Billings she stated that on the day Petitioner was to be interviewed by her he was found to be in a high state of impairment at Eckerds Pharmacy located on 1605 E. Ennis St., Salisbury and she decided he was not a credible witness for an interview on that day.
5. Mrs. Billings reported that Petitioner had entered into a contract with the North Carolina Pharmacist Recovery Network and sent to a treatment facility, Williamsburg Place, in Williamsburg Virginia for substance abuse.
6. Investigator Burns interviewed the Petitioner's partner and Eckerd's pharmacy manager Mr. Richard Jones. Mr. Jones stated that the Petitioner had dispensed prescriptions to himself. Investigator Burns checked the hard copy prescriptions and found that on a prescription for oxycontin there were two separate dispensations: one on 5/27/04 and another on 6/28/04.
7. Investigator Burns interview Eckerd technician Taylor Barnhardt and she stated that on several occasions Petitioner reported to work with slurred speech and stumbled around the pharmacy. On July 2004, technician Barnhardt found two questionable prescriptions for Petitioner and reported these finding to management. Following filing the report Petitioner was removed from the pharmacy.
8. On July 4, 2004, the Petitioner was charged by the SBI with (1) offense of Common Law Forgery.

9. On February 2, 2005, after returning from the treatment facility, Investigator Burns conducted an interview with the Petitioner and reported that he was terminated from Eckerd's soon after creating three oxycontin prescriptions.
10. Petitioner surrendered his pharmacist license to investigator Burns on February 2, 2005.
11. On August 10, 2005, the court entered a Judgment suspending sentence from (1) offense of Common Law Forgery to conviction of a misdemeanor. The Petitioner was placed on 18 months supervised probation with special conditions which included 24 hours of community service and payment of cost and fines.

CONCLUSION OF LAW

Petitioner has demonstrated that he has been in a period of successful recovery and compliance with his N.C. Pharmacist Recovery Network contract. The North Carolina Board of Pharmacy, in its discretion, concludes that Petitioner can safely resume the practice of pharmacy, subject to the conditions set forth below.

IT IS, THEREFORE, ORDERED that Petitioner's license to practice pharmacy shall be reinstated subject to the following conditions:

1. Petitioner shall successfully complete his PRN contract.
2. Petitioner shall obtain prior approval of all employment as a pharmacist from the Board's Executive Director.
3. Petitioner shall advise the Board promptly in writing of any change of addresses or change in practice status.
4. Petitioner shall not serve as pharmacist manager of any pharmacy.
5. Petitioner shall not serve as a preceptor of pharmacy interns or resident students.

6. Petitioner may not be employed as a pharmacist in excess of 40 hours per week, on the average.
7. Petitioner shall be subject to unannounced drug screens to be performed at his 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 substances, prescription drug, or alcohol, which was not previously prescribed for Petitioner by a practitioner acting in the normal course of medical treatment of Petitioner.
8. Petitioner shall successfully complete terms of his criminal Probation Order.
9. Prior to commencement of employment as a pharmacist, Petitioner shall submit documentation of his current continuing education hours to the Board's Executive Director.
10. Petitioner shall pay a Fee of \$130.00 for his 2004 pharmacist license which includes a penalty of \$20.00 for submitting a bad check.
11. Petitioner shall obtain 10 hours of continuing education for renewal of his 2005 license, at least five of which must be contact hours and pay a reinstatement fee of \$270.00.
12. Petitioner shall obtain 10 hours of continuing education for renewal of the 2006 license, at least five of which must be contact hours and pay the renewal fee of \$135.00.
13. Petitioner shall violate no laws governing the practice of pharmacy or the distribution of drugs.
14. Petitioner shall violate no rules of the Board.

15. If Petitioner fails to comply with any terms or conditions of the Order, Petitioner may be subject to additional disciplinary actions by the Board.

This the 15th day of November, 2005.

NORTH CAROLINA BOARD OF PHARMACY

By: David R. Work
David R. Work
Executive Director