

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In The Matter Of:

Jill Lynne Smith)
(License No. 15746)) **ORDER REINSTATING LICENSE**

THIS MATTER was heard on July 19, 2005, by the North Carolina Board of Pharmacy, located at 6015 Farrington Rd., Suite 201, Chapel Hill, North Carolina, upon the request of Jill Lynne Smith (Petitioner) for reinstatement of her license to practice pharmacy in the state of 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 December 8, 2000, to practice pharmacy by the North Carolina Board of Pharmacy and was the holder of license number 15746.
2. On January 12, 2005, Investigator Tim Jones of the North Carolina Board of Pharmacy met with Petitioner to discuss her addiction and diversion of Hydrocodone from CVS Pharmacy located at 14600 Lawyers Road, Matthews. Petitioner admitted to diverting Hydrocodone beginning in the summer of 2004. In late November or early December of 2004, Petitioner decided to stop the consumption of the Hydrocodone and began a self-developed program. On January 6, 2005, she was confronted by CVS Loss and Prevention Department and admitted to the allegations of diversion. At that time she was placed on short-term disability.

3. Petitioner stated to Investigator Jones that she was in the process of signing a PRN contract and had contacted Paul Peterson of NC Pharmacist Recovery Network and planned to enter into treatment. Investigator Jones asked if she would be willing to voluntarily surrender her license to practice pharmacy. Petitioner stated she wish to discuss this option with Paul Peterson before agreeing to the surrender of her license. Investigator Jones placed a call to Mr. Peterson for the Petitioner. Following the conversation the Petitioner stated she would contact Investigator Jones with her decision at a later date.
4. On February 9, 2005, Investigator Sandra Burns contacted CVS Pharmacy supervisor Mickey Price confirming that Petitioner Smith was still employed and currently on a leave of absence. Petitioner had admitted to Pharmacist Price of diverting Hydrocodone from CVS Pharmacy, Lawyers Road, Matthews.
5. Investigator Burns interviewed CVS Pharmacist Manager RaeLynn Baron at CVS Pharmacy, Lawyers Road, Matthews. Pharmacist Baron stated that Petitioner began working at the location in April 2004. During her employment, staff commented on Pharmacist Smith stumbling around and falling asleep during work. In mid November 2004, Pharmacist Baron received a call from a CVS Technician stating that while working Petitioner Smith had passed out. Pharmacist Baron went to the store and found Petitioner in an apparent drunken state. Petitioner Smith told Pharmacist Baron this was due to hypoglycemic state. This behavior continued beyond November 2004, and Pharmacist Baron indicated that she believed CVS Loss and Prevention was aware of this situation.

6. On January 2005, Pharmacist Baron was notified by CVS Corporation that Pharmacist Smith had admitted to diversion of Hydrocodone products.
7. Investigator Burns spoke with Technician Karen Pearson of CVS Pharmacy on Lawyer Road who stated she had witnessed Petitioner Smith falling asleep at the counter while working on November 23, 2004.
8. Investigator Burns also conducted an audit of Hydrocodone 10/325mg. The audit period was September 1, 2003 through February 8, 2005, indicating a loss of (1769) dosage units. Pharmacist Smith agreed that this amount was consistent with what she had taken from the pharmacy.
9. Investigator Burns interviewed Pharmacist Smith on March 2, 2005. During the interview Petitioner Smith said that she was confronted by CVS Loss and Prevention as well as the CVS District Pharmacy Supervisor in January of 2005. At that time she admitted to diverting Hydrocodone from the pharmacy.
10. Investigator Burns asked Petitioner if she would surrendered her license on this date and Petitioner said she wanted to speak to her husband before she surrendered her license.
11. On March 8, 2005, Investigator Burns provided SBI agent John King with the audit results from CVS Pharmacy located at Lawyers Road, Matthew, N.C.
12. On March 14, 2005, Investigator Burns traveled to CVS Pharmacy in Wadesboro, North Carolina, where Petitioner Smith had previously been employed, and spoke with Pharmacist Manager Tom Promfrey. He did not offer any information relevant to the investigation.

13. On March 18, 2005, Petitioner voluntarily ceased practicing pharmacy in North Carolina.
14. Pharmacist Smith was charged with (1) felony count of embezzlement by employee by the State Bureau of Investigation.
15. Hearing date for Petitioner's case is scheduled for August 15, 2005, Union Superior Criminal Court. Petitioner expects to receive an order of Deferred Prosecution Program of the felony count of embezzlement by employee of register.
16. Petitioner contacted Paul Peterson of the NC Pharmacist Recovery Network and she entered into 5 year NCPRN contract. On January 13, 2005, Petitioner entered into the Pavilion International Treatment for a (43) day residential treatment program.
17. Paul Peterson spoke on behalf of Petitioner's recovery indicating she is in an after care program. She also attends monthly International Pharmacists Anonymous (IPA) meetings. In addition, Petitioner has had 14 negative drug screens.

CONCLUSION OF LAW

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

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

1. Petitioner shall provide evidence to the Board's Executive Director of the entry of the Deferred Prosecution Program for the felony charges. Once received and reviewed by the Executive Director the license will be reinstated.
2. Petitioner shall successfully complete her PRN contract.
3. Petitioner shall advise the Board promptly in writing of any change of address or change in practice status.
4. Petitioner shall obtain prior approval of all employment as a pharmacist from the Board's Executive Director during the term of her PRN contract.
5. Petitioner shall not serve as pharmacist manager of any pharmacy.
6. Petitioner shall not serve as a preceptor of pharmacy interns or resident students.
7. Petitioner may not be employed as a pharmacist in excess of 40 hours per week, on the average.
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 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.
9. Petitioner shall violate no laws governing the practice of pharmacy or the distribution of drugs.
10. Petitioner shall violate no rules or regulations of the Board.

This the 17th day of August, 2005.

NORTH CAROLINA BOARD OF PHARMACY

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