

STATE OF NORTH CAROLINA  
NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:

Brian Antal  
(License No. 13388)

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**CONSENT ORDER**

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THIS MATTER came on to be considered at a prehearing conference (hereinafter, "Conference") before a member of the North Carolina Board of Pharmacy (hereinafter, "Board") pursuant to 21 N.C.A.C. 46.2008. This Conference was scheduled for September 15, 2008 and, after appropriate notice, was heard on that day by Board member Dr. Betty Dennis at the offices of the Board. Respondent Brian Antal (License No. 13388) (hereinafter, "Respondent" or "Antal") was present. Counsel Joseph Ponzi represented the Board. Members of the Board's investigative staff and other Board counsel were also present at the Conference.

Respondent 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 his consent, Respondent also stipulates that he waives his right to appeal this Consent Order or challenge in any way the sufficiency of the findings of this Order. Based upon the consent of the parties, the Board hereby enters the following:

**FINDINGS OF FACT**

1. The Board is a body duly organized under the laws of North Carolina and is the proper body for this proceeding under the authority granted it in Chapter 90 of the General Statutes of North Carolina, and the rules and regulations promulgated thereunder.

2. Respondent is, and was at all relevant times referred to herein, a pharmacist licensed to practice pharmacy in the State of North Carolina with License No. 13388. Respondent was at all relevant times referred to herein, pharmacist-manager at Costco Pharmacy, Permit No. 7792, located at 500 Tyvola Road, Charlotte, North Carolina (the "Pharmacy"). Respondent is and was, at all relevant times referenced to herein, subject to the rules and regulations of the Board and the laws of the State of North Carolina.

3. Between 2004 and November 2006, Respondent diverted and dispensed to himself approximately 41 bottles of hydrocodone syrup, a Schedule III controlled substance, without a valid prescription.

4. Respondent ingested the syrup throughout the day while at work. Initially ingesting around one (1) teaspoon per day, respondent gradually increased these amounts to the point where he was sipping the hydrocodone syrup from two (2) ounce bottles throughout the day.

5. After these incidents occurred, in or around November 2006, Respondent entered into a substance abuse program administered by the North Carolina Pharmacist Recovery Network ("PRN"). At that time, he entered into a contract governing the terms of his participation in the program.

6. Respondent continues to participate in group meetings and counseling sessions.

7. Respondent has not tested positive for any controlled substance since completing his in-patient treatment program.

8. Paul Peterson, Executive Director of PRN, testified that Respondent has been in full compliance with his PRN contract.

9. With permission of his PRN administrator, Respondent began work again as a pharmacist in March 2007.

### CONCLUSIONS OF LAW

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

1. Respondent violated N.C. Gen. Stat. 90-85.38(a)(3), (5), (6) and (7), 90-85.40(b) and (f), 90-106, 90-108, 106-122, 106-134 and 106-134.1; 21 N.C.A.C. 46.1805 and 46.2502(a); and 21 U.S.C. §§ 331, 352, 353 and 841-43.

2. Respondent admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on his license under N.C. Gen. Stat. § 90-85.38.

Based upon the foregoing, and with the consent of the parties, IT IS THEREFORE ORDERED that:

1. Respondent Brian Antal, License No. 13388, is hereby REPRIMANDED for the aforementioned violations of law.

2. Respondent shall successfully complete his PRN contract, which shall be renewed to extend five (5) years from the date of the Board's acceptance of this Order;.

3. Respondent shall advise the Board promptly in writing of any change of address or change in practice status.

4. Respondent shall obtain prior approval of all employment as a pharmacist from the Board's Executive Director.

5. Respondent shall not serve as pharmacist-manager of any pharmacy.

6. Respondent shall not serve as a preceptor of pharmacy students.

7. Respondent may not be employed as a pharmacist more than 40 hours per week, on the average.

8. Respondent 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 substance, prescription drug, or alcohol, that was not previously prescribed for Respondent by a practitioner acting in the normal course of medical treatment of Respondent.

9. Respondent shall authorize PRN and any treating physician or other health-care provider to release Respondent's medical records to the Board.

10. If Respondent fails to comply with any terms or conditions of this Order, Respondent may be subject to additional disciplinary action by the Board.

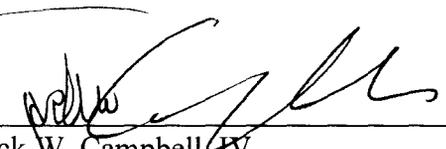
11. Respondent shall violate no laws governing the practice of pharmacy or the distribution of drugs.

12. Respondent shall violate no rules or regulations of the Board.

This the 21<sup>st</sup> day of October, 2008.

NORTH CAROLINA BOARD OF PHARMACY

By:

  
\_\_\_\_\_  
Jack W. Campbell, IV  
Executive Director

Brian Antal, the holder of license number 13388, has full knowledge that he has the right to a formal hearing, at which he would have the right to be represented at his 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, he certifies that he has read the foregoing Consent Order and that he 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 he 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.

The undersigned understands that he has the right to have counsel of his choice review and advise him with respect to his rights and this Consent Order, and represents that he enters this Consent Order after consultation with his counsel or after knowingly and voluntarily choosing not to consult with counsel.

CONSENTED TO BY:

Brian Antal

Date 10-14-08

Brian Antal  
(License No. 13388)

NORTH CAROLINA

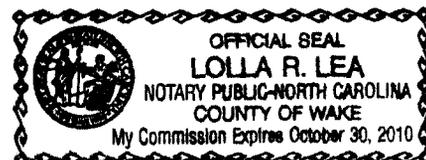
Mecklenburg COUNTY

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: Brian Antal

Date: 10/14/2008

Lolla R. Lea  
Notary Public  
Lolla R. Lea

My commission expires: 30 Oct 2010



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OBJECTED TO BY:

\_\_\_\_\_ Date \_\_\_\_\_  
Brian Antal  
(License No. 13388)