

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In Re:

**KAREN AMMONS BENCUYA
(License No. 10042)**

)
)
)
)

**ORDER REINSTATING LICENSE
WITH CONDITIONS**

THIS MATTER was heard on February 19, 2013, by the North Carolina Board of Pharmacy (“Board”) located at 6015 Farrington Road, Suite 201, Chapel Hill, North Carolina, upon the request of Karen Ammons Bencuya (“Petitioner”) for reinstatement of her license to practice pharmacy. Board members Minton, Marks, McLaughlin, Chesson, Day, and Mixon heard this matter. After hearing the testimony of witnesses, adjudging the credibility of the witnesses, and receiving evidence, the Board makes the following:

FINDINGS OF FACT

1. Petitioner formerly held North Carolina license to practice pharmacy number 10042.
2. On January 15, 2012 Board staff received a report that Petitioner, while practicing pharmacy, was suspected of diverting controlled substances for personal use.
3. Petitioner diverted a hydrocodone/APAP product (Schedule III controlled substance) for personal use.
4. Petitioner testified, and the Board finds, that her diversion did not result in any patient not receiving his/her prescribed medication.
5. Petitioner testified, and the Board finds, that she did not provide diverted medications to any other person.
6. Petitioner surrendered her license to practice of pharmacy on January 25, 2012.

7. Petitioner subsequently contacted North Carolina Pharmacists Recovery Network (“NCPRN”). NCPRN advised Petitioner to undergo a substance abuse evaluation. Petitioner did so, participating in a five-day evaluation at Cumberland Heights in Nashville, Tennessee.
8. The evaluation found that Petitioner did not meet the diagnostic criteria for a substance dependency or abuse diagnosis. Rather, the evaluation recommended that Petitioner enter into a two-year monitoring agreement with NCPRN to “rule out abuse.” The evaluation found that Petitioner’s diversion could be traced to self-medication of a chronic leg pain condition. The evaluation recommended improved treatment of that condition, as well as therapy to address other issues revealed during the evaluation.
9. Petitioner entered into a two-year monitoring agreement with NCPRN in March 2012. As part of that agreement, she receives individual and group therapy and is receiving improved medical treatment of her chronic leg pain. Though the usual length of a NCPRN monitoring agreement is five years, NCPRN agrees that a more limited duration is appropriate given the Cumberland Heights evaluation findings.
10. NCPRN advocates for Petitioner’s return to the practice of pharmacy with appropriate conditions. NCPRN notes one instance of non-compliance with Petitioner’s monitoring agreement in May 2012. As a result of that non-compliance, NCPRN referred Petitioner to the NCPRN Compliance Committee. The Compliance Committee warned Petitioner that any further noncompliance would result in disciplinary action. Petitioner has had no further instances of

noncompliance, and NCPRN advised that the May 2012 noncompliance is not clinically indicative of substance abuse.

11. As a result of her diversion, Petitioner pleaded guilty to one misdemeanor larceny count in May 2012. Petitioner was sentenced to one year unsupervised probation and assessed a \$200 fine. The plea agreement specified that petitioner could “not work as [a] pharmacist unless licensed.” Petitioner has complied with the terms of her plea agreement.

CONCLUSIONS OF LAW

Petitioner has demonstrated that she has been in a period of successful recovery and compliance with her NCPRN treatment and monitoring obligations. The Board, in its discretion, concludes that Petitioner can safely resume the practice of pharmacy with 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 her Application to Reinstate a Lapsed or Inactive License, Petitioner shall provide proof that she has obtained fifteen (15) hours of continuing education, eight (8) 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 2013.

3. Petitioner shall successfully complete her NCPRN treatment and monitoring agreement.
4. Petitioner may not be employed as a pharmacist more than 32 hours per week, on the average. This limitation may be extended at the discretion of NCPRN.
5. Petitioner must obtain advance approval of all employment as a pharmacist from NCPRN. Petitioner may serve as a pharmacist-manager, but only if authorized to do so by NCPRN.
6. Petitioner shall violate no laws governing the practice of pharmacy or the distribution of drugs.
7. Petitioner shall violate no rules or regulations of the Board.
8. 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 19th day of February, 2013.

NORTH CAROLINA BOARD OF PHARMACY

By: 
Jack W. Campbell IV
Executive Director

CERTIFICATE OF SERVICE

I certify that on February 20, 2013, I caused a copy of this Order Reinstating License With Conditions to be served on Petitioner by registered mail, return-receipt requested:

[REDACTED]



Jack W. Campbell IV
Executive Director

cc: Bencuya License File
Cindy Clark, North Carolina Pharmacist Recovery Network
1011 Pemberton Hill Road
Suite 202
Apex, NC 27502-4266