

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In The Matter Of:

**David R. Bowers
(License No. 06317)**

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ORDER REINSTATING LICENSE

THIS MATTER was heard on November 18, 2003, by the North Carolina Board of Pharmacy, located at 6015 Farrington Rd., Suite 201, Chapel Hill, North Carolina, upon the request of David R. Bowers (Petitioner) for reinstatement of his 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 May 21, 1975, to practice pharmacy by the North Carolina Board of Pharmacy and was the holder of license number 06317.
2. On September 27, 2002, Petitioner voluntarily ceased practicing pharmacy in North Carolina when he signed a contract with the North Carolina Pharmacist Recovery Network.
3. On December 20, 2002, the Board received information indicating that Petitioner had obtained, without authorization, controlled substances from CVS Pharmacy.

4. On January 31, 2003, Board Investigator Sandra Burns began an investigation of Petitioner and contacted SBI Agent Rob Ennis who stated the Petitioner had been charged with two felony counts of embezzlement of controlled substances, hydrocodone and alprazolam.
5. On February 6, 2003, Investigator Burns interviewed the Petitioner who admitted to obtaining and consuming alprazolam without authorization from CVS Pharmacy stock beginning in March 2002. In addition, Mr. Bowers also began to consume Tussionex liquid approximately three months later. Petitioner also admitted to obtaining and consuming without authorization pharmacy stock of Temazepan and Viagra.
6. Petitioner was terminated from CVS in September of 2002.
7. Investigator Burns conducted an audit of several controlled substances at CVS for the period from April 30 through February 1, 2003 and found shortages as described in the Notice of Hearing date November 18, 2003.
8. On June 23, 2003, Petitioner pled guilty to one count of misdemeanor larceny and two counts of misdemeanor possession of controlled substances. Petitioner was sentenced to 45 days imprisonment, followed by 24 months of supervised probation.
9. By Final Order dated October 9, 1992, the Board suspended Petitioner's license to practice pharmacy indefinitely, based upon Petitioners obtaining and consuming without authorization, controlled substances from the stock of Millers Creek Pharmacy, where he was employed.

10. By Order dated June 8, 1993, the Board lifted the indefinite suspension of Petitioner's license and imposed a two-year suspension, which stayed for a period of three years upon several conditions including unannounced drug screens and successful completion of PRN contract that Petitioner was under at the time.
11. Petitioner stated he signed a PRN Contract on September 26, 1992 and is closely monitored.
12. Petitioner has a job prospect at Winn Dixie Pharmacy on Spring Road in Hickory with Lee Brogden being his immediate supervisor.
13. Petitioner has sent in a technician application to the Board to register as a technician.
14. Petitioner attends AA or NA meetings daily.
15. Petitioner has had over 20 negative drug screens is in full compliance with his PRN contract.

CONCLUSION OF LAW

Petitioner has demonstrated that he has been in a period of successful recovery and compliance with his PRN contract. The Board, in its discretion, concludes that Petitioner can safely resume the practice of pharmacy, subject to the conditions set forth below:

IT IS THEREFORE, ORDERD that Petitioner's license to practice pharmacy shall be suspended indefinitely and that suspension is stayed for a period of three years subject to the following:

1. Petitioner shall maintain and successfully complete his PRN contract.

2. 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.
3. Petitioner shall obtain prior approval from the Board's Executive Director of employment as a pharmacist. Petitioner may not be employed as a pharmacist more than 40 hours per week, on the average.
4. Petitioner may not serve as a preceptor to students.
5. Petitioner may not serve as a pharmacist-manager of any pharmacy.
6. Petitioner shall not violate any laws governing the practice of pharmacy or the distribution of drugs.

This the _____ day of _____, 2006.

NORTH CAROLINA BOARD OF PHARMACY

By: _____
David R. Work
Executive Director