

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In Re:

**Benjamin Michael Cooper
(License No. 09385)**

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**ORDER REINSTATING LICENSE
WITH CONDITIONS**

THIS MATTER was heard on July 21, 2009, by the North Carolina Board of Pharmacy (“Board”) located at 6015 Farrington Road, Suite 201, Chapel Hill, North Carolina, upon the request of Benjamin Michael Cooper (“Petitioner”) for reinstatement of his license to practice pharmacy in the State of North Carolina. Board members McLaughlin, Dennis, Haywood, Chater, and Nelson conducted this hearing. After hearing the testimony of witnesses, adjudging the credibility of the witnesses, and receiving evidence, the Board makes the following:

FINDINGS OF FACT

1. At relevant times, Petitioner was licensed to practice pharmacy by the Board and was the holder of license number 09385.
2. Petitioner is the pharmacist-manager of Sentry Drug Center in Lincolnton, NC (Permit No. 04270)
3. Petitioner failed to renew his license to practice pharmacy for 2009 within the period required by law.
4. Petitioner explained that in December and January 2009 the owners of Sentry Drug assured Petitioner that they would process his 2009 license renewal. Petitioner testified that all other pharmacists and technicians at his pharmacy had current, active licenses or registrations that had been renewed by the owners of

Sentry Drug through the same process that Petitioner believed had been used to renew his license.

5. Petitioner further testified that he had relied upon Sentry Drug's owners to renew his license for many years before 2009, and they had always done so in a timely fashion.
6. Petitioner testified that, as a result, he believed that his license to practice pharmacy had, in fact, been timely renewed.
7. The Board finds Petitioner's testimony to be credible and finds and concludes that Petitioner had an honest, though incorrect, belief that his license to practice pharmacy had been timely renewed.
8. Petitioner admitted that he bears responsibility for ensuring that his license status is current and that, as pharmacist-manager, he bears personal responsibility for ensuring that all pharmacy staff are properly licensed or registered.
9. Petitioner admitted that, after January 2009, he made no further inquiry of the pharmacy's owners concerning the status of his license, nor did he contact the Board concerning his licensure status.
10. Petitioner first realized that his license had expired on July 20, 2009. On that date, Petitioner attempted to log on to his on-line continuing education account on the Board's website. The website denied Petitioner access because he did not have a current, active license to practice pharmacy.
11. Petitioner immediately ceased work as a pharmacist and contacted Board staff to alert them to the problem and seek advice. The next day, he appeared before the Board to request reinstatement of his license.

CONCLUSIONS OF LAW

Petitioner unlawfully practiced pharmacy from March 1, 2009 until July 20, 2009 without a license to do so. This act violated N.C. Gen. Stat. § 90-85.38(a)(6), (7) and (9) and 90-85.40(c) and (f).

IT IS THEREFORE ORDERED that:

1. Petitioner's license to practice pharmacy shall be reinstated effective August 1, 2009.
2. Upon its reinstatement, Petitioner's license will be SUSPENDED for two (2) years, to be served as follows:
 - a. Thirty (30) days of the suspension must be served as an active suspension. These thirty days shall be served consecutively, commencing immediately upon Petitioner's reinstatement. Respondent must return his wallet card and license certificate in advance of service of the suspension.
 - b. The remaining twenty-three (23) months of the suspension shall be stayed for two (2) years from the date of the reinstatement, upon the following conditions:
 - i. Petitioner shall provide to the Executive Director proof that he obtained the requisite continuing education hours necessary for 2009 renewal of his license to practice pharmacy;
 - ii. Petitioner shall violate no laws governing the practice of pharmacy or the distribution of drugs; and
 - iii. Petitioner shall violate no rules and regulations of the Board.
3. If Petitioner fails to comply with any terms or conditions of this Order, Petitioner may be subject to additional disciplinary action by the Board.

This is the 21st day of July, 2009.

NORTH CAROLINA BOARD OF PHARMACY

By: _____

Jack W. Campbell IV
Executive Director



A large, stylized handwritten signature in black ink is written over a horizontal line. The signature is enclosed within a large, hand-drawn oval that also encompasses the text 'By: _____' and the printed name and title below it.

CERTIFICATE OF SERVICE

I certify that on July 29, 2009, I caused a copy of this Order Reinstating License to be served on Petitioner by registered mail, return-receipt requested.



Jack W. Campbell IV
Executive Director

cc: Cooper License File
Debbie Stump, Director of Licensing