

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In Re:

**FRANK BURTON DEAN
(License No. 05693)**

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**ORDER REINSTATING LICENSE
WITH CONDITIONS**

THIS MATTER was heard on January 17, 2012, by the North Carolina Board of Pharmacy (“Board”) located at 6015 Farrington Road, Suite 201, Chapel Hill, North Carolina, upon the request of Frank Burton Dean (“Petitioner”) for reinstatement of his license to practice pharmacy. Board members Dennis, Minton, Chater, McLaughlin, Chesson, and Marks 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 05693.
2. In September 2009, Board staff received a report that Petitioner, while practicing pharmacy, was suspected of diverting propoxyphene-containing products (then a Schedule IV controlled substance that has since been removed from the market) for personal use.
3. Petitioner admitted to Board investigative staff that he had, in fact, diverted propoxyphene-containing products for personal use while practicing as a pharmacist. The diversion began in 2003.
4. Petitioner testified, and the Board finds, that his diversion activities did not result in any patient not receiving his/her prescribed medication.

5. Petitioner would occasionally obtain a prescription for propoxyphene-containing products, which he would fill himself and/or maintain on file at the pharmacies from which he diverted as a means of covering up the scope of his diversion.
6. Petitioner would on occasion access a pharmacy after hours to divert propoxyphene-containing products.
7. Petitioner surrendered his license to practice of pharmacy on September 28, 2009.
8. Petitioner contacted North Carolina Pharmacists Recovery Network ("NCPRN") and, at NCPRN's suggestion, reported to an intensive substance abuse treatment facility, where he successfully completed an initial 12-week course of treatment.
9. Since completion of inpatient treatment, Petitioner has been substantially compliant with all counseling, monitoring, and screening obligations of his NCPRN treatment and monitoring agreement. NCPRN reports that Petitioner twice missed a drug-screen call-in. NCPRN states that credible explanations were provided and verified for these widely-separated events, and that their occurrence was not indicative of relapse behavior.
10. NCPRN advocates for Petitioner's return to the practice of pharmacy with appropriate conditions.
11. As a result of his diversion, Petitioner was charged by the Scotland County District Attorney with four (4) counts of felony embezzlement of a controlled substance by employee. All counts were dismissed on October 7, 2011. No criminal charges are outstanding. No civil actions arising from Petitioner's diversion are pending.

CONCLUSIONS OF LAW

Petitioner has demonstrated that he has been in a period of successful recovery and compliance with his NCPRN contract. 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. Petitioner shall provide proof that he has obtained forty-five (45) hours of continuing education, twenty-four (24) of which must be live or contact hours.
3. Petitioner shall successfully complete his current NCPRN contract, which may be extended at the discretion of NCPRN to a period of five (5) years from the date of this Order.
4. Petitioner shall advise the Board promptly in writing of any change of address or change in practice status.
5. Petitioner shall obtain prior approval of all employment as a pharmacist from the Board's Executive Director and NCPRN.
6. Petitioner shall not serve as pharmacist manager of any pharmacy.
7. Petitioner shall not serve as a preceptor of pharmacy students.
8. When practicing pharmacy, Petitioner shall not fill any prescription for himself.

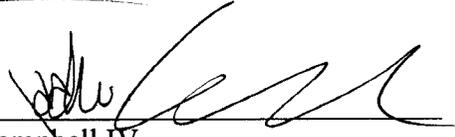
9. Petitioner shall not have after-hours access to any pharmacy at which he practices.
10. Petitioner may not be employed as a pharmacist more than 30 hours per week, on the average. This limitation may be extended at the discretion of NCPRN.
11. Petitioner shall be subject to unannounced drug screens 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.
12. Petitioner shall authorize NCPRN and any treating physician or other health care provider to release Petitioner's medical records to the Board.
13. Petitioner shall violate no laws governing the practice of pharmacy or the distribution of drugs.
14. Petitioner shall violate no rules or regulations of the Board.
15. 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 17th day of January, 2012.

NORTH CAROLINA BOARD OF PHARMACY

By: _____

Jack W. Campbell IV
Executive Director

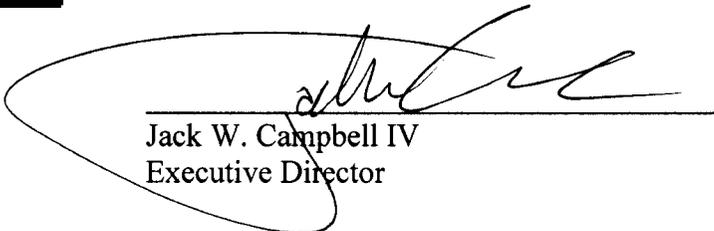


A large, handwritten signature in black ink is written over a horizontal line. The signature is cursive and appears to read 'Jack W. Campbell IV'. The entire signature and line are enclosed within a large, hand-drawn oval.

CERTIFICATE OF SERVICE

I certify that on January 18, 2012, 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: Dean License File
Mary Christine Parks, North Carolina Pharmacist Recovery Network
1011 Pemberton Hill Road
Suite 202
Apex, NC 27502-4266