

**STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY**

IN THE MATTER OF)	
)	CONSENT ORDER
JANICE E. DEICHERT)	REINSTATING LICENSE
(Pharmacist License #17913))	WITH CONDITIONS
)	
_____)	

THIS MATTER came to be considered at a prehearing conference (hereinafter, "Conference") before a member of the North Carolina Board of Pharmacy (hereinafter, the "Board") pursuant to 21 N.C.A.C. 46.2008. The Conference was scheduled for July 10, 2017 and, after appropriate notice, was heard on that day by Board member William A. Mixon at the offices of the Board. Petitioner Janice E. Deichert (hereinafter, "Petitioner") was present at the Conference. The Board's Executive Director, Jay Campbell, represented the Board.

Petitioner 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 her consent, Petitioner also stipulates that she waives her right to appeal this Consent Order or challenge in any way the sufficiency of the findings of this Order as a basis for the action taken. Based upon the consent of the parties, the Board hereby enters the following:

FINDINGS OF FACT

1. Petitioner formerly held North Carolina license to practice pharmacy number 17913.
2. On June 17, 2014, the Petitioner and the Board entered into a consent order suspending Petitioner's license to practice pharmacy for seven days, with that

suspension stayed for five years as long as Petitioner complied with certain conditions (the "2014 Order"). Among those conditions was that Petitioner be subject to unannounced drug screens that "shall not disclose the presence of any controlled substance or prescription drug that was not previously prescribed for [Petitioner] by a practitioner acting in the normal course of medical treatment of [Petitioner]." A copy of the 2014 Order is attached to this Order and its findings of fact and conclusions of law are incorporated herein.

3. On October 22, 2015, Board investigative staff requested a urine drug screen from Petitioner under the terms of the 2014 Order. Petitioner declined to provide a urine sample for screening at that time. On November 5, 2015, Petitioner submitted a hair sample for testing. The hair sample test disclosed the presence of marijuana, a Schedule I controlled substance under federal law and a Schedule VI controlled substance under state law.
4. When presented with the results of the screening, Petitioner surrendered her license to practice pharmacy.
5. On May 4, 2016, Petitioner was seen by the North Carolina Physicians Health Program ("NCPHP"). Petitioner agreed to an assessment contract that day. Further assessment by a counselor indicated that Petitioner was dealing with an adjustment disorder stemming from various stresses in her personal life and that Petitioner's use of marijuana was a result of those stresses at that time.
6. Subsequent to the assessment, Petitioner entered into a period of monitoring by NCPHP.

7. NCPHP reports that Petitioner complied with all aspects of her monitoring agreement, including random screening and counseling.
8. NCPHP advocates for Petitioner's return to the practice of pharmacy, with appropriate conditions.

CONCLUSIONS OF LAW

The Board, in its discretion, concludes that Petitioner can safely resume the practice of pharmacy under the conditions stated below.

IT IS THEREFORE ORDERED that Petitioner's license to practice pharmacy is **REINSTATED, BUT SUSPENDED INDEFINITELY**, that suspension **STAYED INDEFINITELY 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 the Application to Reinstate a Lapsed or Inactive License, Petitioner shall provide proof that she has obtained fifteen (30) hours of continuing education, sixteen (16) 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 2016 and 2017.
3. For a period of one (1) year from the date of this Order, Petitioner may not serve as a pharmacist-manager of any pharmacy. After one (1) year, Petitioner may serve as a pharmacist-manager if she receives advance approval from the Board's Executive Director to do so.

4. Petitioner shall be subject to unannounced drug screens to be performed at her 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 or prescription drug that was not previously prescribed for Petitioner by a practitioner acting in the normal course of medical treatment of Petitioner, and they shall not disclose a level of alcohol indicative of impairment.
5. Petitioner shall authorize NCPHP and any treating physician or other health care provider to release Petitioner's medical records to the Board.
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.
9. Petitioner may petition the Board no earlier than June 17, 2020 to lift some or all of the conditions on Petitioner's license imposed by this Order. This Order makes no promise or guarantee, express or implied, that any or all conditions will be lifted. Rather, any such petition will be evaluated based on the facts and circumstances existing at the time it is received.

This is the 12th day of July, 2017

NORTH CAROLINA BOARD OF PHARMACY

By: _____

Jack W. Campbell IV
Executive Director

Janice E. Deichert has full knowledge that she has the right to a formal hearing, at which she would have the right to be represented at her 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, she certifies that she has read the foregoing Consent Order and that she voluntarily consents to the terms and conditions set forth therein and relinquishes any right to judicial review of Board actions that may be taken concerning this matter.

The undersigned further understands that should she violate the terms and conditions of this Consent Order, the Board may take additional 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 she has the right to have counsel of her choice review and advise her with respect to her rights and this Consent Order, and represents that she enters this Consent Order after consultation with her counsel or after knowingly and voluntarily choosing not to consult with counsel.

CONSENTED TO BY:

Janice E. Deichert Date 7/10/2017
Janice E. Deichert

STATE OF North Carolina

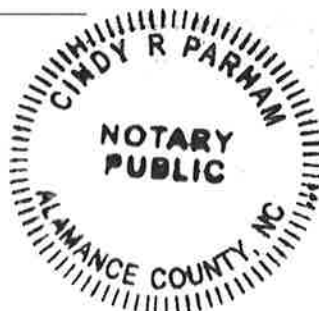
Durham COUNTY

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: Janice E. Deichert

Date: 7/10/2017

Cindy R. Parmam
Notary Public
Cindy R. Park

My commission expires: 10/14/17





I DO NOT CONSENT:

_____ Date _____
Janice E. Deichert

