

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In The Matter Of:

Reciprocity Application of)
Thomas Roswell Dockrell) **ORDER DENYING**
) **RECIPROCITY**
)
)

THIS MATTER came before the North Carolina Board of Pharmacy (“Board”) concerning the application of Thomas Roswell Dockrell (“Petitioner”) to reciprocate a New York license to practice pharmacy. This matter was heard on January 19, 2016 by the Board located at 6015 Farrington Rd., Suite 201, Chapel Hill, North Carolina. Board members Mixon, Day, McLaughlin, Minton, Graves, and Haywood heard Petitioner’s request. Having heard the evidence presented and assessed the credibility of the testifying witnesses, the Board makes the following:

FINDINGS OF FACT

1. Petitioner presently holds a license to practice pharmacy in New York.
2. On August 26, 2015, Petitioner submitted a North Carolina Board of Pharmacy Reciprocity Data Questionnaire seeking to reciprocate his New York license to practice pharmacy.
3. Question 7 on that questionnaire asks “Have you at any point in your licensure as a pharmacist been charged by any Board of Pharmacy y on matters which could have produced an action on your license? Any and all actions taken against your license must be disclosed regardless of when the action was taken. This includes any pending actions.” Petitioner’s response to this question was “No.”

4. Petitioner's signature on the questionnaire "affirm[ed] that I have answered the foregoing questions, and that my answers are true and correct. I understand that any false information given by me may subject me to refusal to be licensed, disciplinary action by the North Carolina Board of Pharmacy, and/or any license obtained shall be void and of no effect."

5. On October 10, 2015, Petitioner submitted a National Association of Boards of Pharmacy Official Application for Transfer of a Pharmacist License to the State of North Carolina. Question 2 of the "Professional History" section asked "Has your pharmacist license in any jurisdiction ever been revoked, suspended, restricted, terminated, or otherwise been subject to disciplinary action (public or private) by any board of pharmacy or other state authority?" Petitioner's response to this question was "No."

6. Petitioner signed the NABP application, thereby "affirm[ing] that I have read the foregoing paragraphs, and the information therein is complete, true, and correct. I understand that any false statements made by me in this Application may be punishable by law."

7. In fact, Petitioner's license to practice pharmacy in New York was disciplined twice by the New York State Education Department Office of Professional Discipline: in 1992, Petitioner was fined \$300 as a result of violations of New York law found during an inspection of Petitioner's pharmacy; in 2008, Petitioner consented to a \$500 fine upon a finding that Petitioner was allowing pharmacy interns to enter prescription orders into his pharmacy computer system as pharmacists and without the system having a means of showing that the entry was by an intern rather than a pharmacist.

8. Accordingly, Petitioner's answers on the North Carolina and NABP questionnaires were untruthful.

9. Petitioner testified that he consulted a web site operated by the New York State government that did not show his license to practice pharmacy was disciplined. The Board does not find this explanation credible or mitigating, as Petitioner testified that he knew his license to practice pharmacy had been disciplined in 1992 and 2008. Whether or not the actions appeared on the website alters neither the fact that Petitioner was disciplined twice, nor the fact that Petitioner was well aware of that fact. Finally, the website itself states that information concerning fines for certain infractions could be obtained by calling, faxing, or emailing the New York State Office of the Professions.

10. In written correspondence with Board staff, Petitioner averred his “understanding” that neither the 1992 nor 2008 actions would “go against my license.” The Board does not find this explanation credible or mitigating. The fines were clearly imposed against Petitioner as a pharmacy licensee in New York as a result of violations of New York law. Moreover, Petitioner testified that he did not attempt to clarify with Board staff any confusion he may have had with respect to the disclosure requirement prior to filing the applications.

CONCLUSION OF LAW

Petitioner “made false representations or withheld material information in connection with securing a license or permit.” N.C.G.S. § 90-85.38(a)(1).

IT IS, THEREFORE, ORDERED that Petitioner’s application to reciprocate his New York license is **DENIED**.

Petitioner may make a new application to reciprocate her New York license to North Carolina no earlier than one (1) year from the date of this Order.

This Order contains no promise or guarantee, express or implied, that any subsequent application will be approved. Any subsequent application will be assessed, when received, for

compliance with North Carolina law, including complete and full disclosure of all information sought in the application materials.

This the 19th day of January, 2016.

NORTH CAROLINA BOARD OF PHARMACY

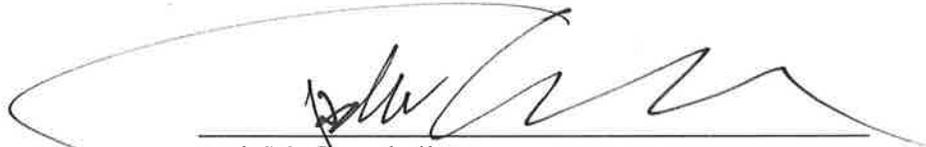
By: 

Jack W. Campbell IV
Executive Director

CERTIFICATE OF SERVICE

I certify that on January 20, 2016, I caused a copy of this Order Denying Reciprocity to be served on Petitioner by certified mail, return receipt requested at the following address:

[REDACTED]



Jack W. Campbell IV
Executive Director

cc: Dockrell reciprocity file
Lawrence H. Mokhiber, Executive Director, New York Board of Pharmacy
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