

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In The Matter Of:

**Theresa Lynn Ferguson
(License No. 08729)**

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ORDER REINSTATING LICENSE

THIS MATTER came on for hearing upon the request of Theresa Lynn Ferguson (Petitioner) for reinstatement of her license to practice pharmacy in North Carolina. Petitioner's request was heard on January 17, 2006 by the North Carolina Board of Pharmacy (Board) located at 6015 Farrington Rd., Suite 201, Chapel Hill, 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:

FINDING OF FACT

1. Petitioner was licensed to practice pharmacy by the Board on July 30, 1984 and was the holder of license number 08729.
2. On November 23, 2004 R.D. Williams, CEO of Ashe Memorial Hospital reported to the North Carolina Board of Pharmacy Investigative office that Petitioner had diverted Butalbital from the pharmacy stock from Ashe Memorial Pharmacy, Jefferson, North Carolina.

3. On December 7, 2004 Petitioner surrendered her license to practice pharmacy as a result of obtaining, consuming and dispensing legend prescription drugs and controlled substances without authorization and in violation of State and Federal statutes and regulations.
4. On November 29, 2004 Board Investigator Amy Cook traveled to Ashe Memorial Hospital and confirmed statements of R.D. Williams and Chief Operation Officer Joe Thorpe regarding Petitioner's diverting controlled substances without a prescription.
5. On November 29, 2004 Investigator Cook performed an audit of controlled substances at Ashe Memorial Hospital Pharmacy and shortages were confirmed.
6. On December 1, 2004 Petitioner met with Paul Peterson Executive Director of the North Carolina Pharmacist Recovery Network (NCPRN) and entered into a five-year PRN contract on December 8, 2004.
7. On December 7, 2004 Investigator Steve Hudson met with Petitioner and she admitted to diverting controlled substances from pharmacy stock for her own personal use.
8. Petitioner entered an inpatient treatment program at Fellowship Hall, Greensboro, North Carolina for substance abuse from March 8, 2005 to April 4, 2005 and successfully completed the program.
9. Petitioner has had twenty-seven negative drug screens.

CONCLUSION OF LAW

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

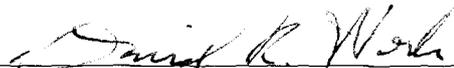
IT IS THEREFORE, ORDERED that Petitioner's license to practice pharmacy shall be reinstated, subject to the following conditions:

1. Petitioner shall successfully complete her PRN contract, which shall be renewed to extend 5 years from the date of her reinstatement (January 17, 2005).
2. Petitioner shall notify NCBOP Executive Director of any criminal charges relating to her North Carolina pharmacist license and the diversion of controlled substances from Ashe Memorial Hospital.
3. Petitioner shall obtain prior approval of all employment as a pharmacist from the Board's Executive Director.
4. Petitioner shall advise the Board promptly in writing of any change of addresses or change in practice status.
5. Petitioner shall not serve as pharmacist manager of any pharmacy.
6. Petitioner shall not serve as a preceptor of pharmacy interns or resident students.
7. Petitioner may not be employed as a pharmacist in excess of 40 hours per week, on the average.

8. 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 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 and approved by PRN staff.
9. Petitioner shall obtain 20 hours of continuing education for the reinstatement of his license, at least 10 of which must be contact hours and pay the reinstatement fee of \$270.00.
10. Petitioner shall violate no laws governing the practice of pharmacy or the distribution of drugs.
11. Petitioner shall violate no rules of the Board.
12. If Petitioner fails to comply with any terms or conditions of the Order, Petitioner may be subject to additional disciplinary actions by the Board.

This the 17th day of January 2006.

NORTH CAROLINA BOARD OF PHARMACY

By: 
David R. Work
Executive Director