

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

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In the Matter of:

Granville R. Jones
(License No. 8912)

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FINAL DECISION

THIS MATTER came on for hearing pursuant to the Notice of Hearing ("Notice") issued February 3, 2006 to determine whether or not Granville R. Jones ("Respondent") violated the Order of the North Carolina Board of Pharmacy ("Board") Reinstating License dated July 16, 1999 ("Order Reinstating License") and North Carolina General Statute §90-85.38(a)(7), which provides that the Board may issue a letter of reprimand or suspend, restrict, revoke, or refuse to grant or renew a license or permit to practice pharmacy or require a licensee to complete remedial education if the licensee has:

"(7) Failed to comply with any provision of this Article or rules adopted by the Board."

The Notice set forth specific factual allegations and scheduled a hearing for February 21, 2006. The hearing was conducted on that date at the Board office before Board members Chater, Crocker, Nelson, and Dennis. Board member Haywood was present for a portion of the hearing but took no part in the decision of this matter. Respondent was present at the hearing and was represented by counsel, Nathaniel C. Smith.

At the commencement of the hearing, Respondent stipulated to paragraphs 1, 2, 3, and 9. Respondent stipulated also to paragraphs 4, 5 and 6 except to the extent that they expressly or impliedly allege that Respondent remained under contract with the North Carolina Pharmacist Recovery Network ("NCPRN") after March 10, 2003. Regarding paragraph 6, Respondent stipulated that his treatment and evaluation at Pavillon

International extended through December 4, 2004. In addition, Board Counsel Carson Carmichael, III, announced that he would not present evidence regarding Respondent's alleged failure to call for drug screening on June 4, 2005.

During the hearing, the Board and Respondent presented evidence in the form of testimony and exhibits. Based upon the record in this proceeding and the testimony, exhibits, and stipulations presented at the hearing, the Board makes the following:

FINDINGS OF FACT

1. Respondent is licensed to practice pharmacy by the Board and is the holder of license number 8912.
2. By Final Order dated September 11, 1989, the Board revoked Respondent's license to practice pharmacy, but stayed the revocation upon his compliance for a period of 10 years with several conditions, including conditions that he not inject, ingest, or consume in any manner controlled substances or alcoholic beverages except as prescribed for him by a practitioner in the ordinary course of treatment for medical conditions requiring that specific substance, and that he violate no laws governing the practice of pharmacy or the distribution of drugs. The Board's September 11, 1989 Final Order resulted from Respondent obtaining and consuming Schedules II, III and IV controlled substances without authorization from the stocks of pharmacies where he was employed.
3. By Final Decision dated March 12, 1998, the Board suspended Respondent's license indefinitely based upon his violation of the Board's September 11, 1989 Final Order. This indefinite suspension resulted from his obtaining and consuming crack cocaine on three occasions in late 1997 and early 1998. Prior to the indefinite

suspension of Respondent's license, the Board summarily suspended his license on January 27, 1998.

4. After a hearing on June 15, 1999, the Board issued the Order Reinstating License. This reinstatement was subject to Respondent's compliance with a number of conditions, including:

“c. Respondent shall comply with all requirements of his PRN contract and with any future amendments or changes to the contract. PRN shall notify the Board immediately of any violation committed by Respondent. Respondent shall be under a permanent non-expiring contract with PRN and any successor organization.”

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“f. Upon receipt of this Order, Respondent shall submit in writing to the Board a list of all drugs, with dosages, that he is consuming presently pursuant to prescriptions. Respondent shall notify the Board in writing of any change in the drugs he is consuming pursuant to prescriptions within ten days of such change.”

5. Respondent's PRN contract contains a provision which states:

“4. I agree to abstain from any mood altering chemicals (alcohol, sedatives, stimulants, etc. including OTC medications) unless prescribed by my primary care physician or psychiatrist, and approved by NCPRN.”

Respondent designated a primary care physician in paragraph 7 of his contract with NCPRN.

6. On April 6, 2004, Respondent submitted to a random drug screen pursuant to his NCPRN contract. The results of the screen were positive for alcohol. From October 4, 2004 through December 4, 2004, Respondent received treatment and evaluation at Pavillon International in Mill Spring, North Carolina.

7. On October 18, 2005, Paul Peterson, Executive Director of NCPRN, received a letter from David W. Fulford, a physician assistant with Triangle NeuroPsychiatry in Durham, North Carolina. In the letter, Mr. Fulford, who was not a primary care physician or psychiatrist designated in Respondent's NCPRN contract, informed Mr. Peterson that Respondent had been prescribed Provigil, a Schedule IV controlled substance. On November 23, 2005, Mr. Peterson received a letter from Mr. Fulford stating that Respondent had been prescribed Adderall XR 10mg, which is a Schedule II controlled substance. At the hearing, Respondent presented evidence that Dr. Mark C. Chandler, a physician employed by Triangle NeuroPsychiatry, had been treating Respondent for Attention Deficit Disorder since approximately September 21, 2005 and had authorized the Provigil and Adderall XR.

8. Respondent did not notify the Board in writing within ten days of receiving the prescriptions for the Provigil and the Adderall XR, as he was required to do under the terms of his NCPRN contract.

9. Respondent's November 28, 2005, December 12, 2005, and December 23, 2005 random drug screens were positive for amphetamines.

CONCLUSIONS OF LAW

1. The actions of Respondent, as described in paragraphs 6 through 9 above, constitute violations of the Order Reinstating License, and failure to comply with G.S. §90-85.41(d) resulting in violation of G.S. §90-85.38(a)(7).

2. As a consequence of Respondent's actions, his license to practice pharmacy is subject to further action of the Board.

IT IS, THEREFORE, ORDERED, that Respondent's license to practice pharmacy is revoked, which revocation shall be stayed indefinitely, upon the following conditions:

1. Respondent's license shall be actively suspended for a period of ninety (90) consecutive days, commencing upon receipt of this Final Decision. Immediately following receipt of the Final Decision, Respondent shall surrender to the Board his pharmacist license, current renewal certificate, and wallet card. During the period of active suspension, Respondent shall not be present in any pharmacy except as a customer.

2. Within ten (10) days of receipt of this Final Decision, Respondent shall enter into a new contract with NCPRN, which contract shall clearly indicate that it is permanent and non-expiring. At the time of execution, Respondent shall initial each paragraph of the PRN contract, which shall signify that Respondent understands his obligations under each paragraph of the contract and acknowledges his personal responsibility for full compliance with each paragraph of the contract.

3. Within two (2) weeks after receipt of this Final Decision, Respondent and his counsel, and the Board's Executive Director and its counsel, shall meet to discuss the conditions of this Final Decision. At the meeting, Respondent shall initial each condition of this Final Decision, which shall signify that Respondent fully understands his obligations under each condition of the Final Decision and acknowledges his personal responsibility for compliance with each of those obligations.

4. Respondent shall comply with all requirements of his NCPRN contract and with any future amendments or changes to the contract. NCPRN shall notify the Board immediately of any violation committed by Respondent.

5. Respondent 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 screens. Results of the screens shall not disclose the presence of any prescription drug or alcohol that was not previously prescribed for Respondent by a practitioner designated on Respondent's NCPRN contract acting in the normal course of medical treatment of Respondent. These screens shall be in addition to, and not in lieu of, any drug screens required of Respondent for compliance with his NCPRN contract.

6. Upon receipt of this Final Decision, Respondent shall submit in writing to the Board a list of all prescription drugs, with dosages, that he is presently consuming. Respondent shall notify the Board in writing of any change in the prescription drugs that he is consuming within 10 days of such change. This reporting requirement shall be in addition to, and not in lieu of, any reporting obligations required of Respondent for compliance with his NCPRN contract.

7. Following completion of the active suspension of Respondent's license to practice pharmacy, he may accept employment as a pharmacist and remain employed as a pharmacist only at a site specifically approved by the Board's Executive Director and NCPRN. The site shall be approved in writing prior to Respondent commencing employment. Every site at which Respondent is employed as a pharmacist shall perform a controlled substance inventory at the beginning of Respondent's employment, once every 3 months thereafter, and at the end of Respondent's employment. The inventory shall be maintained at the site and be available to the Board's employees or other authorized agents, along with a written schedule of the date on which the audits are

performed. The practice sites of which Respondent is employed shall be subject to inspection and audit by the Board or its agents at any time. Respondent is personally responsible for informing any potential employer of these conditions prior to seeking approval of any offer of employment from the Executive Director.

8. Respondent shall not serve as Pharmacist-Manager of any pharmacy.

9. Respondent shall not serve as a preceptor of pharmacy students.

10. Respondent shall not be employed as a pharmacist more than 40 hours per week, on average.

11. Respondent shall advise the Board's Executive Director immediately in writing of any change of address.

12. Respondent shall violate no laws governing the practice of pharmacy or the distribution of drugs.

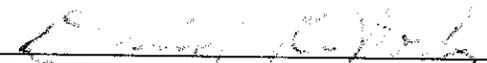
13. Respondent shall violate no rules or regulations of the Board.

14. Respondent's license to practice pharmacy will be revoked for any violation of the terms or conditions of this Final Decision.

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This the 24th day of February, 20 06.

NORTH CAROLINA BOARD OF PHARMACY

By: 
David R. Work
Executive Director