

STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY

IN THE MATTER OF)
)
GEORGE SCOTT GOODWYN) **FINAL ORDER**
License Number 10925)

THIS MATTER was heard on September 15, 2009, by the North Carolina Board of Pharmacy ("Board") located at 6015 Farrington Road, Suite 201, Chapel Hill, North Carolina, pursuant to a Notice of Hearing, dated July 31, 2009. Board members McLaughlin, Chater, Chesson, Dennis and Nelson conducted this hearing. After hearing the testimony of witnesses, adjudging the credibility of the witnesses, and receiving evidence, the Board makes the following:

FINDINGS OF FACT

1. Respondent holds license number 10925 from the North Carolina Board of Pharmacy.
2. Respondent is and was, at all relevant times referred to herein, subject to the rules and regulations of the North Carolina Board of Pharmacy and the laws of the State of North Carolina.
3. After it was discovered that Respondent diverted controlled substances from his employer, he voluntarily surrendered his license to practice pharmacy on or about February 15, 2005.
4. Upon Respondent's request for reinstatement of his license, on or about June 21, 2005, the Board entered a Reinstatement Order. The Reinstatement Order is incorporated herein by reference.

5. The Reinstatement Order provided that Respondent's license to practice pharmacy would be reinstated, but that reinstatement would be subject to a number of conditions. Those conditions include the following:

a. That Respondent's immediate supervisor is required to submit to the North Carolina Pharmacist Recovery Network ("PRN") a quarterly report on the volume, staffing and general working conditions of the practice site where Respondent is employed; and

b. That Respondent may not work as a pharmacist, on the average, more than 40 hours per week.

6. Both of these conditions were material terms of the Reinstatement Order. The Board would have imposed additional and harsher discipline, including but not limited to refusing to reinstate Respondent's license, without the conditions on the reinstatement of Respondent's license.

7. The Board has the statutory authority to discipline pharmacists who violate the terms of the Board's Orders.

QUARTERLY REPORTS

8. Respondent's employment with his current employer commenced during the week of November 17, 2007. Neither at the outset of Respondent's employment nor at any time thereafter did he notify his immediate supervisor of any requirement to submit a quarterly report to PRN.

9. Respondent testified that he did not tell his employer of the requirement to submit a quarterly report because Respondent did not take seriously his obligations under the Reinstatement Order.

10. Because Respondent's immediate supervisor did not know of the requirement, Respondent's immediate supervisor did not submit any required quarterly report at any time between the commencement of Respondent's employment (November 2007) and the time that the Board's investigator informed the immediate supervisor of this requirement (May 2009).

11. Accordingly, Respondent violated the terms of his Reinstatement Order.

WORK HOUR VIOLATIONS

12. Between May 25, 2008 and May 15, 2009, Respondent worked as a pharmacist, on the average, more than 40 hours per week. He exceeded a 40-hour work week by a total of approximately 194 hours during that time period. Respondent took more and more extra work during the later portion of this period. Between January 17, 2009 and May 15, 2009, Respondent exceeded a 40-hour work week by a total of approximately 132 hours – working an average of a 48-hour work week during that time period.

13. Accordingly, Respondent violated the terms of his Reinstatement Order.

14. Respondent was well aware of the requirements of the Reinstatement Order and knowingly and intentionally violated the Reinstatement Order. On or about April 19, 2006, Respondent requested of the Board's Executive Director whether Respondent could work an extra day a month in addition to a regular 40-hour a week schedule. On or about May 2, 2006, the Board's Executive Director informed Respondent that he could not work more than forty hours per week, on average. In that letter, the Board's Executive Director informed Respondent that he would need to appear before the Board to seek approval to work in excess of an average of forty hours per week. Respondent never appeared before the Board to make that request.

15. Respondent testified that he knew of the work hour restrictions of the Reinstatement Order and knew that he was violating the Reinstatement Order, but that he chose

to do so for economic reasons. Respondent's supervisor and pharmacist-manager both testified that Respondent had chosen not to inform them of any restriction on his work hours.

CONCLUSIONS OF LAW

By virtue of the facts found above, Respondent knowingly and unlawfully violated N.C. Gen. Stat. § 90-85.38(a)(6) and (7) and the Reinstatement Order. Considering all of the facts and circumstances of this matter, the Board finds and concludes that the discipline set forth in this Final Order is appropriate.

WHEREFORE, it is hereby **ORDERED, ADJUDGED and DECREED** that the license of Respondent George Scott Goodwyn, License Number 10925, is hereby **SUSPENDED FOR THE ENTIRE DURATION OF THE TERM OF HIS CONTRACT WITH THE NORTH CAROLINA PHARMACIST RECOVERY NETWORK**, to be served as follows:

1. FIVE (5) WEEKS of the suspension must be served as an active suspension. These five weeks shall be served consecutively, commencing at 12:01 a.m. on a Monday. The service of the suspension shall commence within 15 days of the date of this Order, with Respondent to notify the Executive Director in writing and return his wall certificate, his 2009 renewal certificate and his wallet card in advance of service of the suspension. During the period of the active suspension, Respondent may not be present in a pharmacy, except as a customer with a valid prescription.

2. The remaining period of the suspension shall be stayed until the end of the term of his contract with the North Carolina Pharmacist Recovery Network, upon the following conditions:

- i. Respondent shall comply with all terms, requirements and conditions of the Reinstatement Order. All such terms, requirements and conditions are incorporated by reference herein, and violation of any one of them shall be grounds for activation of the full term of Respondent's suspension.
- ii. Respondent shall violate no laws governing the practice of pharmacy or the distribution of drugs;
- iii. Respondent shall violate no rules and regulations of the Board; and
- iv. Respondent shall, within 5 days, notify the Executive Director, in writing, if he has violated any of the foregoing conditions of this Order (including but not limited to the terms that are incorporated by reference from the Reinstatement Order).

3. Respondent's current contract is scheduled to expire on September 30, 2011. If Respondent's current contract is lengthened or shortened by PRN or its Executive Director, both the length of the suspension and the period during which the suspension is stayed shall run through the term of the lengthened or shortened contract.

4. If, during the term of Respondent's current contract, Respondent signs any other contract with PRN (whether denominated as an amended, modified, substitute or successive PRN contract, or otherwise), both the length of the suspension and the period during which the suspension is stayed shall run through the term of that subsequent contract or contract modification.

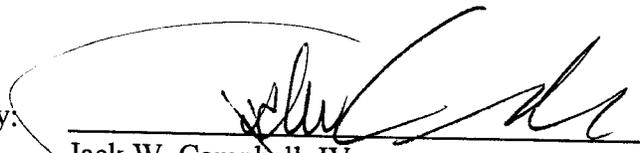
5. If Respondent's contract with PRN is terminated, revoked or otherwise concluded due to PRN's findings of noncompliance, Respondent's suspension shall be activated for the remainder of the duration of the term of his PRN contract, as existing immediately before the termination, revocation or other conclusion of the contract.

6. If Respondent fails to comply with any terms or conditions of this Final Order, Respondent may be subject to additional disciplinary action by the Board.

This the 10th day of September, 2009.

NORTH CAROLINA BOARD OF PHARMACY

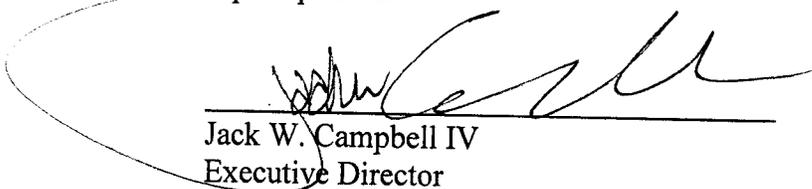
By:



Jack W. Campbell, IV
Executive Director

CERTIFICATE OF SERVICE

I certify that on September 17, 2009, I caused a copy of this Order Reinstating License to be served on Petitioner by registered mail, return-receipt requested.



Jack W. Campbell IV
Executive Director

cc. Goodwyn license file

Mary Christine Parks, Executive Director, North Carolina Pharmacist Recovery
Network
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