

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In Re:

**PATRICK SMITH HALE
(License No. 06896)**

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**ORDER REINSTATING LICENSE
WITH CONDITIONS**

THIS MATTER was heard on January 15, 2013, by the North Carolina Board of Pharmacy (“Board”) located at 6015 Farrington Road, Suite 201, Chapel Hill, North Carolina, upon the request of Patrick Smith Hale (“Petitioner”) for reinstatement of his license to practice pharmacy. Board members Minton, Marks, McLaughlin, Chesson, Day, and Mixon heard this matter. After hearing the testimony of witnesses, adjudging the credibility of the witnesses, and receiving evidence, the Board makes the following:

FINDINGS OF FACT

1. Petitioner formerly held North Carolina license to practice pharmacy number 06896.
2. On August 8, 2011, Board staff received a report that Petitioner, while practicing pharmacy, was suspected of diverting controlled substances for personal use.
3. Petitioner admitted to diverting hydrocodone/APAP products (Schedule III controlled substances), clonazepam (Schedule IV controlled substance), Androgel, and Cymbalta for personal use.
4. Petitioner testified, and the Board finds, that his diversion activities did not result in any patient not receiving his/her prescribed medication.
5. Petitioner testified, and the Board finds, that he did not provide diverted medications to any other person.

6. Petitioner surrendered his license to practice of pharmacy on September 8, 2011.
7. Petitioner subsequently contacted North Carolina Pharmacists Recovery Network (“NCPRN”). NCPRN advised Petitioner to undergo a 90-day inpatient substance abuse treatment program. Petitioner did so successfully.
8. Upon successful completion of his 90-day inpatient substance abuse treatment program, Petitioner entered into a treatment and monitoring agreement with NCPRN on December 19, 2011.
9. Since completion of inpatient treatment, Petitioner complied with all counseling, monitoring, and screening obligations of his NCPRN treatment and monitoring agreement.
10. NCPRN advocates for Petitioner’s return to the practice of pharmacy with appropriate conditions.
11. As a result of his diversion, the Edgecombe County District Attorney charged Petitioner with three (3) counts of misdemeanor embezzlement of a controlled substance by employee. Petitioner pleaded guilty to each count, but judgment of conviction was not entered on condition that Petitioner comply with a Prayer for Judgment Continued order (“PJC Order”).
12. Initially, Petitioner’s PJC Order expressly required Petitioner’s compliance with all NCPRN treatment and monitoring obligations. In August 2012, the Edgecombe County District Court modified the PJC Order. It removed specific conditions, and entered an “indefinite” PJC Order. An “indefinite” PJC Order is deemed by law to be effective for a “reasonable time.”

CONCLUSIONS OF LAW

Petitioner has demonstrated that she has been in a period of successful recovery and compliance with his NCPRN treatment and monitoring obligations. The Board, in its discretion, concludes that Petitioner can safely resume the practice of pharmacy with the conditions stated below.

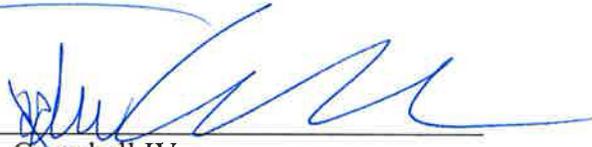
IT IS THEREFORE ORDERED that Petitioner's license to practice pharmacy is **REINSTATED, SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Petitioner shall complete an Application to Reinstate a Lapsed or Inactive License and pay the appropriate fee.
2. As part of his Application to Reinstate a Lapsed or Inactive License, Petitioner shall provide proof that he has obtained thirty (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 his pharmacy license for 2012 and 2013.
3. Petitioner shall successfully complete his NCPRN treatment and monitoring agreement.
4. Petitioner shall not serve as pharmacist manager of any pharmacy.
5. Petitioner shall not serve as a preceptor of pharmacy students.
6. Petitioner may not be employed as a pharmacist more than 30 hours per week, on the average. This limitation may be extended at the discretion of NCPRN.

7. Petitioner shall violate no laws governing the practice of pharmacy or the distribution of drugs.
8. Petitioner shall violate no rules or regulations of the Board.
9. Petitioner shall comply fully with his PJC Order so long as that Order remains in effect. If Petitioner is deemed by the Edgecombe County District Court to be in violation of the PJC Order and judgment is entered on the three (3) counts of misdemeanor embezzlement of controlled substances by employee, then Petitioner's license to practice pharmacy shall be revoked.
15. If Petitioner fails to comply with any term or condition of this Order, Petitioner may be subject to additional disciplinary action by the Board.

This is the 15th day of January, 2013.

NORTH CAROLINA BOARD OF PHARMACY

By: 

Jack W. Campbell IV
Executive Director

CERTIFICATE OF SERVICE

I certify that on January 16th 2013, I caused a copy of this Order Reinstating License With Conditions to be served on Petitioner by registered mail, return-receipt requested:

[REDACTED]



Jack W. Campbell IV
Executive Director

cc: Hale License File
Cindy Clark, North Carolina Pharmacist Recovery Network
1011 Pemberton Hill Road
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