

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In The Matter Of:

**Reciprocity Application of
Mary Lou Harris**

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**ORDER DENYING
RECIPROCITY**

THIS MATTER came before the North Carolina Board of Pharmacy (“Board”) concerning the application of Mary Lou Harris (“Petitioner”) to reciprocate a license to practice pharmacy. This matter was heard on February 18, 2014 by the Board located at 6015 Farrington Rd., Suite 201, Chapel Hill, North Carolina, before Board members Minton, McLaughlin, Chesson, Day, and Mixon. Having heard the evidence presented and assessed the credibility of the testifying witnesses, the Board makes the following:

FINDINGS OF FACT

1. Petitioner holds a license to practice pharmacy in Virginia, which she seeks to reciprocate to North Carolina.
2. As part of the reciprocity application process, Petitioner submitted a National Association of Boards of Pharmacy Official Application for Transfer of a Pharmacy License (“NABP Application”). Question 2 of the NABP Application’s Professional History section asked: Has your pharmacist license in any jurisdiction ever been revoked, suspended, restricted, terminated or otherwise been subject to disciplinary action (public or private) by any board of pharmacy or other state authority?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.”

4. Petitioner's signature on the NABP application "affirm[ed]" under oath that he had "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."

5. Also as part of the reciprocity application process, Petitioner submitted a North Carolina Board of Pharmacy Reciprocity Data Questionnaire. Question 7 on that document 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 "Yes." Petitioner further stated on the application: "VA-1999; Customer complaint on a misfill, was investigated and required to complete additional CE on misfills."

6. 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."

7. In 1999, Petitioner's license to practice pharmacy in Virginia was disciplined by the Virginia Board of Pharmacy. The Virginia Board found that Petitioner had committed four dispensing errors and concluded that these errors violated both the Virginia Pharmacy Practice Act and Virginia Board of Pharmacy rules governing the practice of pharmacy. Petitioner was penalized by order to complete continuing education.

8. Petitioner's answer to Question 2 of the NABP Application's Professional History section was false. Petitioner was disciplined by the Virginia Board in 1999.

9. Petitioner's answer to Question 7 of the North Carolina Reciprocity Data Questionnaire was misleading. The Virginia Board found that Petitioner had committed four dispensing errors and Petitioner did not disclose the Virginia Board's disciplinary order.

10. Petitioner testified that she read the "revoked, suspended, restricted, terminated" language of the NABP Application question, but did not read the entirety of that question, which asks further if the applicant has "otherwise been subject to disciplinary action (public or private) by any board of pharmacy or other state authority." The Board finds this explanation not credible, inasmuch as Petitioner affirmed on the NABP application that she had "read the foregoing paragraphs" of the application and had provided "complete, true, and correct" answers. Moreover, Petitioner testified that she inquired of neither NABP nor the Board to resolve any questions she may have had about the language of the NABP Application's question.

11. Petitioner testified that she was not disciplined by the Virginia Board or that she had been "told" that she was not disciplined. The Board does not find this explanation credible, inasmuch as Petitioner testified that she did receive the Virginia Board's February 26, 1999 disciplinary order, and did so after having attended in person a conference with Virginia Board members concerning the case. Moreover, Petitioner testified that she did not request a formal hearing from the Virginia Board or pursue any other action to vacate the order, although the order itself provided instructions for doing so if Petitioner "disagreed" with its findings and conclusions.

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).

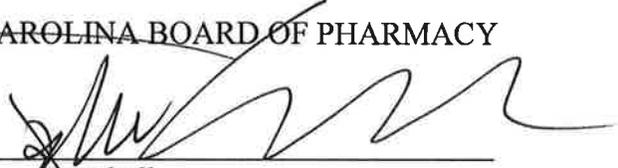
IT IS, THEREFORE, ORDERED that Petitioner's application to reciprocate a license to practice pharmacy to North Carolina is **DENIED**.

Petitioner may make a new application to reciprocate a license to North Carolina no earlier than ninety (90) days 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 18th day of February, 2014.

NORTH CAROLINA BOARD OF PHARMACY

By: 

Jack W. Campbell IV
Executive Director

CERTIFICATE OF SERVICE

I certify that on February 20, 2014, 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 ADDRESS]



Jack W. Campbell IV
Executive Director

cc: Harris reciprocity file

Caroline Juran
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