

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:

Clyde Eugene Hensley
(License Number 06133)

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FINAL ORDER

THIS MATTER came to be heard before the North Carolina Board of Pharmacy (“Board”), on November 16, 2010, pursuant to a Notice of Hearing, dated October 19, 2010, and was heard by Board President Rebecca Chater and Board Members Betty H. Dennis, Joseph McLaughlin, Parker Chesson, Gene Minton, and Lazelle Marks. The Board received evidence offered without objection and heard the testimony of witnesses. Considering the testimony and evidence, the Board hereby makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. The Board is a body duly organized under the laws of the State of North Carolina and is the proper body for this proceeding under the authority granted to it in Chapter 90 of the General Statutes of North Carolina, and the rules and regulations promulgated thereunder. This matter came for hearing pursuant to the Notice of Hearing, dated October 19, 2010. All parties were properly before the Board, the Board has jurisdiction of the parties and of the subject matter, and Clyde Eugene Hensley (“Respondent”) received all required notice of the hearing.

2. Respondent is licensed to practice pharmacy by the Board and holds license number 06133. At all relevant times, Respondent Pharmacist was employed by, and a co-owner of, Bethlehem Pharmacy, located at 9471 NC Highway 127 North, Hickory, NC 28601.

3. On September 24, 2009, Board investigator Holly Price Hunt contacted Bethlehem Pharmacy Pharmacist Manager Gary Sain (license number 05860) to discuss an

allegation that Respondent had, on September 15, 2009, presented to work at Bethlehem Pharmacy in an apparently impaired condition.

4. Pharmacist Sain stated that Respondent admitted to having reported to work that day while impaired from alcohol use.

5. In an interview with Board Investigator Hunt, Respondent admitted to having consumed alcohol to the point of impairment during a lunch break on September 15, 2009 and returning to practice pharmacy while impaired.

6. Respondent refused to surrender his license to practice pharmacy.

7. Respondent did, however, contact North Carolina Pharmacist Recovery Network ("NCPRN") for a substance abuse assessment. As a result of that assessment, Respondent completed a 60-day in-patient course of treatment for alcohol dependence at the Pavilion Center. Respondent acknowledges that he is an alcoholic.

8. Upon discharge from the Pavilion Center, Respondent, pursuant to a treatment and monitoring agreement with NCPRN, has participated in course of therapy and monitoring.

9. Respondent's compliance with his NCPRN obligations has not been without deficiencies. Noncompliance behavior has resulted in Respondent receiving a reprimand from NCPRN's Compliance Committee, and Respondent could face further consequences from NCPRN should he engage in further noncompliance behavior.

10. Per Respondent's agreement with NCPRN, he has been allowed to practice pharmacy subject to hours limitations and other conditions deemed clinically appropriate by NCPRN.

CONCLUSIONS OF LAW

1. The evidence demonstrates that Respondent violated the following statutes

regarding the dispensing and delivery of prescription medications: N.C.G.S. §§ 90-85.38(a)(5), (6), (7) and (9).

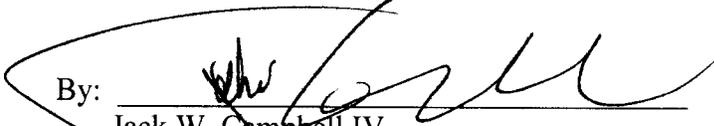
2. Considering all of the facts and circumstances of this matter, the Board finds and concludes that the discipline set forth in this Final Order is appropriate.

It is hereby ORDERED, ADJUDGED AND DECREED, that Board staff's request for discipline is hereby GRANTED. Respondent shall be permitted to retain his license to practice pharmacy, but that licensure shall be subject to the following CONDITIONS:

- a. Respondent shall successfully complete his NCPRN contract.
- b. Respondent shall communicate with each employee of Bethlehem Pharmacy that, should any employee suspect that Respondent is impaired while practicing pharmacy, that employee is encouraged to notify either or both NCPRN and the Board of Pharmacy of that suspicion and will not suffer any adverse employment action as a result of doing so. Respondent shall provide to the Board's Executive Director written proof of having so communicated with the employees of Bethlehem Pharmacy within thirty (30) days of the date of this Final Order.
- c. Respondent shall not serve as a pharmacist manager of any pharmacy.
- d. Respondent shall not serve as a preceptor of pharmacy students.
- e. If Respondent fails to comply with any term or condition of this Order, he shall be subject to additional disciplinary action by the Board.

This is the 17th day of November, 2010.

NORTH CAROLINA BOARD OF PHARMACY

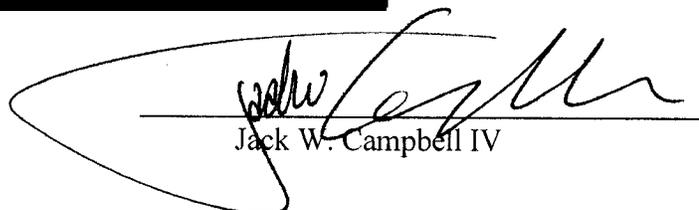
By: 

Jack W. Campbell IV
Executive Director

CERTIFICATE OF SERVICE

I certify that on November 18, 2010, I caused a copy of this Notice of Hearing to be served on Clyde Eugene Hensley by certified U.S. mail, return receipt requested at:

[REDACTED]



Jack W. Campbell IV