

4. In May 2014, Petitioner voluntarily entered into a treatment and monitoring agreement with North Carolina Pharmacist Recovery Network (“NCPRN”).
5. During the course of his monitoring by NCPRN, Petitioner has had several incidents of non-compliance with his agreement, including missed calls for screening and failure to turn in monthly reports in a timely manner. The last instances of non-compliance occurred in January 2015.
6. These instances of non-compliance resulted in Petitioner being sent before NCPRN’s Compliance Committee two times and formally warned each time.
7. NCPRN’s position is that, although there was a period of substantial non-compliance, that non-compliance was not caused by relapse into substance abuse.
8. NCPRN’s position is that Petitioner is capable, with appropriate monitoring, of practicing pharmacy in a safe and competent manner.

CONCLUSIONS OF LAW

Petitioner has demonstrated that he has been in a period of successful recovery.

IT IS THEREFORE ORDERED that:

1. Petitioner is eligible to proceed through the licensure application process.
2. If Petitioner successfully completes the licensure application process, including achieving satisfactory scores on all required examinations, and is licensed as a pharmacist in North Carolina, Petitioner’s license shall be subject to the following conditions:
 - a. Petitioner shall successfully complete his NCPRN contract. Any future non-compliance with that contract shall be reported immediately to the Board’s Executive Director.

- b. Petitioner shall not serve as a pharmacist-manager of a pharmacy for a period of one year from the date of this Order.
 - c. Petitioner may not practice pharmacy more than a number of hours per week deemed clinically appropriate by NCPRN.
3. If Petitioner fails to comply with any terms or conditions of this Order, he may be subject to further discipline.

This is the 16th day of June, 2015.

NORTH CAROLINA BOARD OF PHARMACY

By:  _____
Jack W. Campbell IV
Executive Director

Cole Herrell has full knowledge that he has the right to a formal hearing, at which he would have the right to be represented at his expense by counsel, in this matter. The undersigned freely, knowingly and voluntarily waives such right by entering into this Consent Order.

The undersigned understands and agrees that by entering into this Consent Order, he certifies that she has read the foregoing Consent Order and that he voluntarily consents to the terms and conditions set forth therein and relinquishes any right to judicial review of Board actions which may be taken concerning this matter.

The undersigned further understands that should he violate the terms and conditions of this Consent Order, the Board may take additional action.

The undersigned understands and agrees that this Consent Order will not become effective unless and until approved by the Board.

The undersigned understands that he has the right to have counsel of her choice review and advise her with respect to his rights and this Consent Order, and represents that he enters this Consent Order after consultation with his counsel or after knowingly and voluntarily choosing not to consult with counsel.

CONSENTED TO BY:

Michael Cole Herrell Date 6/15/15
Michael Cole Herrell

STATE OF North Carolina

Chatham COUNTY

I, the undersigned Notary Public of the County and State aforesaid, do hereby certify that the following person(s) personally appeared before me this day, and each acknowledged the due execution of the foregoing document: Michael Cole Herrell

Date: 6/15/2015

Stacie P. Mason
Notary Public
Stacie P. Mason

My commission expires: 9/20/2017



CERTIFICATE OF SERVICE

I certify that on June 17, 2015, I caused a copy of this Consent Order Regarding Licensure to be served on Petitioner by registered mail, return-receipt requested:

[REDACTED]



Jack W. Campbell IV
Executive Director

cc: Herrell File
Valanda Nelson, North Carolina Pharmacist Recovery Network