

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In Re:

WILLIAM CHARLES KENNEDY)
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)

**CONSENT ORDER REGARDING
LICENSURE**

THIS MATTER came before the North Carolina Board of Pharmacy (“Board”) located at 6015 Farrington Road, Suite 201, Chapel Hill, North Carolina, on January 17, 2012 upon the request of William Charles Kennedy (“Petitioner”) for the Board to deem him eligible to seek a license to practice pharmacy in the state of North Carolina.

Respondent has agreed to waive a formal hearing in the above-referenced matter. Both parties stipulate and agree to the findings of fact and conclusions of law recited herein and to the order imposed. By his consent, Respondent also stipulates that he waives his right to appeal this Consent Order or challenge in any way the sufficiency of the findings of this Order. Based upon the consent of the parties, the Board hereby enters the following:

FINDINGS OF FACT

1. Petitioner is a graduate of the South Carolina College of Pharmacy.
2. In February 2009, while working as a pharmacy intern in South Carolina, Petitioner was observed to be impaired.
3. Petitioner admitted to the South Carolina Board of Pharmacy that he diverted Ambien, a Schedule IV controlled substance, for personal use from both a CVS Pharmacy and the MUSC Family Medicine Clinic. He further admitted the on-line purchase of controlled substances for personal use.

4. Petitioner and the South Carolina Board of Pharmacy entered into a consent order of discipline in March 2011 (the "South Carolina Order", a copy of which is attached to this Order and incorporated by reference).
5. Petitioner has complied with all of the terms of the South Carolina Order, including successful participation in the South Carolina Recovering Professionals Program. Petitioner has been licensed as a pharmacist in South Carolina. That license is in good standing.
6. In September 2011, Petitioner was hired by Cape Fear Valley Regional Medical Center, and has worked there in a pharmacy intern capacity for four months. Petitioner's supervisor, Tom Nicholson, reports that Petitioner was forthcoming about his prior substance abuse issues and has been a professional and dependable member of the pharmacy staff. Mr. Nicholson reports confidence that petitioner can practice pharmacy safely and skillfully.
7. Petitioner has signed a treatment and monitoring contract with North Carolina Pharmacist Recovery Network ("NCPRN"). Mary Christine Parks, NCPRN's Executive Director, reports that Petitioner has been compliant with the NCPRN obligations and that NCPRN advocates for Petitioner's licensure with appropriate conditions.

CONCLUSIONS OF LAW

Petitioner has demonstrated that he has been in a period of successful recovery. The Board, in its discretion, concludes that Petitioner is eligible to proceed with the licensure application process in North Carolina.

IT IS THEREFORE ORDERED that Petitioner is eligible for licensure in North Carolina, subject to the following conditions:

1. Petitioner shall submit the appropriate licensure application materials and fees.
2. Petitioner shall successfully complete all examination requirements for licensure as a North Carolina pharmacist.

If Petitioner completes the licensure application and testing requirements successfully and is licensed as pharmacist, that license shall be **SUSPENDED INDEFINITELY**, with that suspension **STAYED** upon compliance with the following conditions:

3. Petitioner shall maintain full compliance with all terms of the South Carolina Order.
4. Petitioner shall successfully complete his NCPRN contract, which shall be renewed to extend for five (5) years from the date of this Order.
5. Petitioner shall not serve as pharmacist manager of any pharmacy.
6. Petitioner shall not serve as a preceptor of pharmacy students.
7. Petitioner shall obtain prior approval of all employment as a pharmacist from NCPRN.
8. Petitioner may not be employed as a pharmacist more than 40 hours per week, on the average. This limitation may be extended at the discretion of NCPRN.
9. Petitioner shall be subject to unannounced drug screens to be performed at her expense by the Board or its agents, and shall supply urine, blood, hair,

nail or any other bodily fluid or tissue sample required for the screening. Results of the screening shall not disclose the presence of any controlled substances, prescription drug, or alcohol, which was not previously prescribed for Petitioner by a practitioner acting in the normal course of medical treatment of Petitioner.

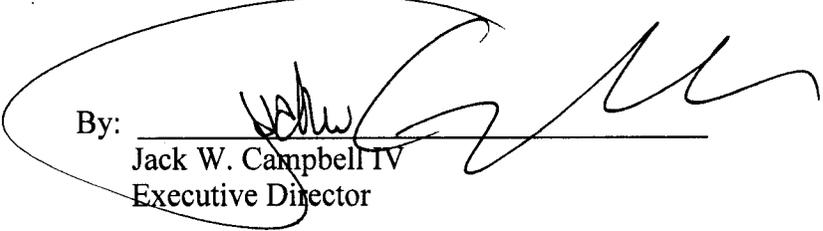
10. Petitioner shall authorize NCPRN and any treating physician or other health care provider to release Petitioner's medical records to the Board.
11. Petitioner shall violate no laws governing the practice of pharmacy or the distribution of drugs.
12. Petitioner shall violate no rules or regulations of the Board.

If Petitioner fails to comply with any term or condition of this Order, the indefinite suspension of Petitioner's license (if issued after completion of application and testing requirements) shall become active, and Petitioner may be subject to additional disciplinary action by the Board.

This is the 17th day of January, 2012.

NORTH CAROLINA BOARD OF PHARMACY

By: _____


Jack W. Campbell IV
Executive Director

William Charles Kennedy, 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 he 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 disciplinary 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 his choice review and advise him 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:

William Charles Kennedy Date 1/17/12
William Charles Kennedy

NORTH CAROLINA

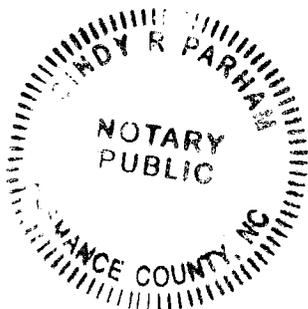
Durham COUNTY

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: William Charles Kennedy

Date: 1/17/2012

Cindy R Parham
Notary Public
Cindy R Parham

My commission expires: 10/14/2012



OBJECTED TO BY: _____ Date _____
William Charles Kennedy