

Carolina.

3. Based upon the information received, Board Investigator Holly Price Hunt commenced an investigation of Respondent. The Board Investigator interviewed Tim Joyner with Eckerd Loss Prevention who advised her that on or about March 28, 2006, Respondent admitted to diverting for her own use the following medications from Eckerd Pharmacy:

| <u>Medication</u> | <u>Quantity</u> |
|--|--------------------|
| hydrocodone 10/325 mg | 1500 tablets |
| hydrocodone 10/500 mg | 1500 tablets |
| hydrocodone 10/650 mg | 100 tablets |
| hydrocodone 5/500 mg | 580 tablets |
| diazepam 10 mg | 100 tablets |
| lorazepam 1 mg | 100 tablets |
| Tussionex | 20 bottles |
| promethazine w/codeine | 15 bottles |
| promethazine VC w/codeine | 10 bottles |
| Sym Tan (pseudoephedrine/hydrocodone) 240 ml | (unknown quantity) |

4. Hydrocodone, Tussionex, and SymTan are schedule III controlled substances. Diazepam and lorazepam are schedule IV controlled substances. Promethazine with codeine and promethazine VC with codeine are schedule V controlled substances.
5. Tim Joyner also informed the Board Investigator that subsequent to Respondent's admission on or about March 28, 2006, Respondent went to her home, obtained tablets she had taken from the pharmacy, and returned them to Mr. Joyner. The inventory of tablets was as follows:

| <u>Medication</u> | <u>Quantity</u> |
|------------------------|-----------------|
| hydrocodone 10/325 mg | 5 tablets |
| hydrocodone 10/500 mg | 10 tablets |
| hydrocodone 7.5/750 mg | 13 tablets |
| hydrocodone 5/500 mg | 3 tablets |

6. On or about May 10, 2006, Respondent entered a residential substance abuse treatment program. On May 19, 2006, Respondent entered into a contract with the North Carolina Pharmacist Recovery Network (NCPRN). Respondent completed the residential treatment program and was discharged on June 20, 2006. Respondent is currently in full compliance with her PRN contract, and the NCPRN representative recommends her return to practice, with restrictions.
7. On October 20, 2006, Respondent pled no contest in Burke County to a misdemeanor charge of possession of schedule III controlled substance (06 CR 52687). Respondent received a prayer for judgment continued upon payment of costs. Respondent expressly states that she is unaware of any other criminal charges pending or likely to be brought against her as a result of the facts and circumstances described in this Order.
8. Respondent has fully cooperated with the Board in its investigation of this matter.

CONCLUSIONS OF LAW

1. Respondent violated the following statutes and rules in the diversion of controlled substances :
 - a. G.S. 90-85.38(a)(3),(6) and (7);
 - b. G.S. 90-85.40;
 - c. G.S. 90-106 and 108;
 - d. G.S. 106-134.1; and
 - e. 21 N.C.A.C. 46 .1805.
2. Respondent has demonstrated that she is in a period of successful treatment and

compliance with her NCPRN contract.

3. The Board, in its discretion, concludes that Respondent can safely resume the practice of pharmacy, subject to the conditions set forth below.

IT IS, THEREFORE, ORDERED, as follows:

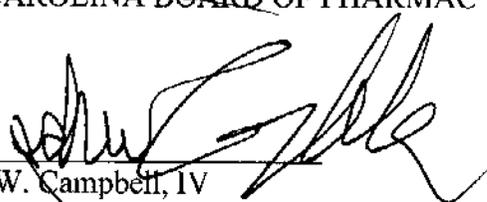
1. The Board hereby lifts the summary suspension of and reinstates Respondent's license to practice pharmacy upon the following conditions:
 - a. Respondent's license is hereby suspended for one year, stayed for five years, upon the conditions set forth below;
 - b. Respondent's license shall be actively suspended for six months; however, the license shall be immediately reinstated due to time served during the period of summary suspension;
 - c. Respondent shall maintain a contract with NCPRN. Respondent must comply with all provisions of that contract. Petitioner shall authorize NCPRN and any treating physician or other health care provider to release Respondent's medical records to the Board;
 - d. Upon commencement of employment as a pharmacist, Respondent shall begin taking Vivatrol, Rivea, or other similar medication approved by and pursuant to the instruction of NCPRN;
 - e. Respondent must obtain approval of any employment as a pharmacist from the Board's Executive Director prior to beginning such employment;
 - f. Respondent shall not work as a "floater" or relief pharmacist unless and until such employment is approved by NCPRN and the Board's Executive Director;

- g. Respondent shall not work as a pharmacist for more than thirty (30) hours per week. These permitted hours may be increased to forty (40) hours per week if approved in advance by NCPRN;
 - h. Respondent shall not possess or use any controlled substances, alcohol or any other mood altering substance unless prescribed for her in the usual course of professional treatment and consistent with the terms of Respondent's contract with NCPRN;
 - i. Respondent shall not serve as pharmacist-manager of any pharmacy;
 - j. Respondent shall not serve as a preceptor of pharmacy students;
 - k. Respondent 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 Respondent by a practitioner acting in the normal course of medical treatment of Respondent;
 - l. Respondent shall violate no laws governing the practice of pharmacy, the distribution of drugs, or any rules and regulations of the Board;
 - m. Respondent shall advise the Board and NCPRN promptly in writing of any change of address, practice status, or compliance with this Consent Order;
- and

- n. Respondent shall cooperate with the Board, its attorneys, investigators and other representatives in any investigation of her practice and/or compliance with the provisions of this Consent Order.
2. If Respondent fails to comply with any terms or conditions of this Consent Order, or should it appear that she is otherwise unable to practice pharmacy with reasonable skills and safety, her license shall be subject to additional disciplinary action by the Board.

This the 16th day of ~~December~~ ^{January}, 2006.

NORTH CAROLINA BOARD OF PHARMACY

By: 

Jack W. Campbell, IV
Executive Director

The undersigned understands and agrees that by entering into this Reinstatement Order, she certifies that she has read the foregoing Reinstatement Order and that she voluntarily consents to the terms and conditions set out therein. The undersigned further understands that should she violate the terms and conditions of the Reinstatement Order, the Board may take additional disciplinary actions. The undersigned understands and agrees that this Reinstatement Order will not become effective unless and until approved by the Board.

Lesley Miller Davis, License #11231, accepts the Board's proposal in this matter.

CONSENTED TO BY:

Lesley Miller Davis
Lesley Miller Davis
License #11231

1/16/07
Date

#202545