

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In Re:

**Rosa Mahiquez
(License No. 11133)**

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**ORDER REINSTATING LICENSE
WITH CONDITIONS**

THIS MATTER was heard on September 15, 2009, by the North Carolina Board of Pharmacy (“Board”) located at 6015 Farrington Road, Suite 201, Chapel Hill, North Carolina, upon the request of Rosa Mahiquez (“Petitioner”) for reinstatement of her license to practice pharmacy. Board members McLaughlin, Dennis, Nelson, Chesson, and Chater conducted this hearing. Petitioner was represented by Michael C. Allen, Esq., of Cranfill, Sumner & Hartzog, LLP. After hearing the testimony of witnesses, adjudging the credibility of the witnesses, and receiving evidence, the Board makes the following:

FINDINGS OF FACT

1. Petitioner formerly held North Carolina license to practice pharmacy number 11133.
2. In late 2003, Board staff received a report that Petitioner exhibited possible signs and symptoms of substance abuse at her then place of employment. An investigation revealed shortages of a number of controlled substances. As well, Petitioner submitted to a urine screen, which tested positive for benzodiazepines and various narcotic substances.
3. Petitioner voluntarily surrendered her license to practice pharmacy on November 26, 2003.

4. After the surrender, Petitioner entered into a substance abuse treatment and monitoring agreement with the North Carolina Pharmacist Recovery Network (“NCPRN”).
5. After a period of treatment, Petitioner asked that her license to practice pharmacy be reinstated with conditions. After a hearing and presentation of evidence, the Board reinstated Petitioner’s license to practice pharmacy with conditions on September 20, 2005.
6. Following the September 2005 reinstatement, Petitioner continued to participate in substance abuse monitoring and treatment under the supervision of NCPRN. Petitioner’s compliance with NCPRN’s requirements, however, was uneven.
7. In August 2006, Petitioner tested positive for use of amphetamines. Petitioner admits that she had relapsed into substance abuse.
8. In late November 2006, NCPRN reported to Board staff that Petitioner’s positive screen for amphetamines and repeated failure to comply with treatment and monitoring requirements drew her fitness to practice pharmacy into question.
9. On December 5, 2006, Petitioner reported to the Pavillon International substance abuse treatment center. Upon admission at Pavillon, petitioner tested positive for benzodiazepine use. She was transferred to a detoxification unit at Pardee Hospital on December 6, 2006. Upon return to Pavillon on December 8, 2006, Petitioner left the center against medical advice.
10. On December 11, 2006, Petitioner signed a voluntary surrender of license for cause. Below her signature, Petitioner appended the following statement: “My signature only acknowledges that I have been issued this form.” Notwithstanding

this statement, Petitioner does not contend that her December 2006 surrender was involuntary.

11. Following Petitioner's December 2006 surrender, retained a treatment and monitoring relationship with NCPRN. Petitioner admits, however, that she remained resistant to treatment and had not accepted the fact of her addiction and the consequences.
12. In November 2007, Petitioner entered another inpatient treatment center. Petitioner testified that at this point she finally began to understand, and take responsibility for, her substance abuse problems.
13. Mary Christine Parks, Executive Director of NCPRN, testified that since her initial contact with Petitioner in December 2008, Petitioner has demonstrated an understanding of, and commitment to, ongoing recovery. Petitioner has had no positive drug screens. Petitioner participates in a variety of continuing care activities. NCPRN believes that Petitioner has demonstrated that she is capable of returning to the practice of pharmacy.

CONCLUSIONS OF LAW

Petitioner has demonstrated that he has been in a period of successful recovery and compliance with his NCPRN contract. The Board, in its discretion, concludes that Petitioner can safely resume the practice of pharmacy with the conditions stated below.

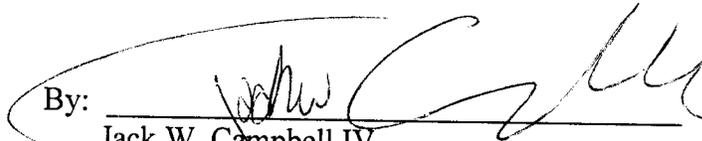
IT IS THEREFORE ORDERED that Petitioner's license to practice pharmacy is **REVOKED**, this revocation **STAYED INDEFINITELY** and Petitioner is **REINSTATED TO PRACTICE, SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Petitioner shall successfully complete her NCPRN contract, which shall be renewed to extend indefinitely from the date of this Order.
2. Petitioner shall advise the Board promptly in writing of any change of address or change in practice status.
3. Petitioner shall obtain prior approval of all employment as a pharmacist from the Board's Executive Director.
4. Petitioner shall not serve as pharmacist manager of any pharmacy.
5. Petitioner shall not serve as a preceptor of pharmacy students.
6. Petitioner may not be employed as a pharmacist more than 24 hours per week. This limitation may be extended to 40 hours per week, on average, at the discretion of the Executive Director of NCPRN.
7. Petitioner may practice only under the direct supervision of another licensed pharmacist for a period of ninety (90) days from the date she resumes the practice of pharmacy.
8. Petitioner shall be subject to unannounced drug screens to be performed at his 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 substance, prescription drug, or alcohol that was not previously prescribed for Petitioner by a practitioner acting in the normal course of medical treatment of Petitioner.
9. Petitioner shall authorize NCPRN, and any treating physician or other health-care provider to release Petitioner's medical records to the Board.

10. Petitioner shall violate no laws governing the practice of pharmacy or the distribution of drugs.
11. Petitioner shall violate no rules or regulations of the Board.
12. Within three (3) months of Petitioner's receipt of this Order, she shall take and pass the Multistate Pharmacy Jurisprudence Exam ("MPJE"), which is administered by the National Association of Boards of Pharmacy.
13. If Petitioner fails to comply with any terms or conditions of this Order, the stay of Petitioner's license revocation will be lifted, and Petitioner shall be subject to additional disciplinary action by the Board.

This is the 15th day of September, 2009.

NORTH CAROLINA BOARD OF PHARMACY

By: 

Jack W. Campbell IV
Executive Director

CERTIFICATE OF SERVICE

I certify that on September 17, 2009, I caused a copy of this Order Reinstating License to be served on Petitioner by registered mail, return-receipt requested.



Jack W. Campbell IV
Executive Director

cc: Mahiquez License File

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