

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In Re:

**LUKE LAZARUS MARION
(License No. 06805)**

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**ORDER REINSTATING LICENSE
WITH CONDITIONS**

THIS MATTER was heard on September 20, 2011, by the North Carolina Board of Pharmacy (“Board”) located at 6015 Farrington Road, Suite 201, Chapel Hill, North Carolina, upon the request of Luke Lazarus Marion (“Petitioner”) for reinstatement of his license to practice pharmacy. Board members Dennis, Minton, Chater, Chesson, and Marks heard this matter. 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 06805.
2. On March 24, 2010, Board staff received a report that Petitioner was suspected of diverting controlled substances from Pleasant Garden Drug Store (permit # 10031), a pharmacy of which Petitioner was part owner.
3. Board investigative staff determined that approximately 15,000 dosage units of controlled substances (principally alprazolam 1 mg tablets, but including clonazepam 0.5 mg and 1 mg tablets, oxycodone 80 mg tablets, and hydrocodone/APAP 10/325 tablets) at Pleasant Garden Drug Store could not be accounted for.

4. In the months prior to the report, Petitioner had been observed by colleagues and family in an apparently impaired state, engaged in sloppy pharmacy practice, and acting in an inappropriate manner toward female employees of Pleasant Garden Drug Store.
5. Petitioner's friends and family confronted him about potential substance abuse in December 2009. Petitioner denied any problem, but then admitted that he "needed help." Petitioner took a three-week sabbatical from Pleasant Garden Drug Store. During Petitioner's absence, unexplained drug losses at the pharmacy ceased. Upon Petitioner's return, those losses resumed immediately. Eventually, Pleasant Garden Drug Store obtained video evidence of Petitioner's diversion. He was terminated.
6. Petitioner admits that he was responsible for the controlled substance diversion from Pleasant Garden Drug Store.
7. Evidence also establishes, and Petitioner admits, that he also falsely certified to the Board that he had obtained sufficient continuing education credits to renew his license for 2010. Petitioner claimed credit for ten (10) hours of continuing education that he had not obtained.
8. Petitioner voluntarily surrendered his license to practice on April 27, 2010.
9. Petitioner was charged with two felony counts of controlled substance embezzlement by the Guilford County District Attorney. Petitioner entered into a deferred prosecution agreement with the DA. Petitioner successfully completed the terms of the deferred prosecution agreement, resulting in dismissal of these charges in August 2011.

10. Petitioner received in-patient treatment for his substance abuse from May to August of 2010.
11. Upon discharge from in-patient treatment, Petitioner signed a treatment and monitoring contract with North Carolina Pharmacist Recovery Network ("NCPRN").
12. Petitioner participates in group therapy, drug testing, monthly reporting, and other obligations pursuant to his NCPRN contract. With one minor exception, Petitioner has been fully compliant with his NCPRN obligations. The sole instance of noncompliance was a failure to timely submit a monthly report, which noncompliance NCPRN does not deem indicative of relapse behavior.
13. Petitioner has in place a crisis plan to deal with potential signs and symptoms of relapse behavior.
14. NCPRN advocates for Petitioner's return to practice, with appropriate conditions.

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 **REINSTATED, SUBJECT TO THE FOLLOWING CONDITIONS:**

1. As a pre-condition to licensure, Petitioner shall submit documentation that he has successfully completed twenty-five (25) hours of continuing education, sixteen (16) of which must be live or contact hours.

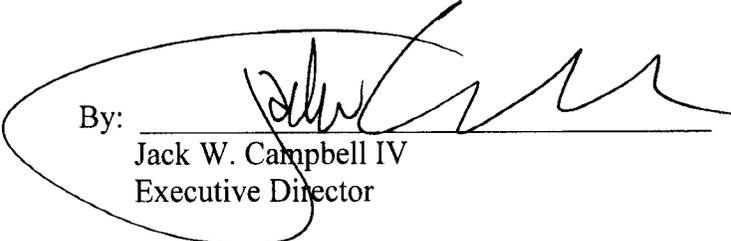
2. Petitioner must complete an additional fifteen (15) hours of continuing education, eight (8) of which must be live or contact hours in order to renew his license for 2012.
3. As a pre-condition to licensure, Petitioner shall complete a Board of Pharmacy Application to Reinstate a Pharmacist License and pay the applicable fee.
4. Petitioner shall successfully complete his NCPRN contract, which shall be renewed to extend five (5) years from the date of this Order.
5. Petitioner shall advise the Board promptly in writing of any change of address or change in practice status.
6. Petitioner shall obtain prior approval of all employment as a pharmacist from NCPRN.
7. Petitioner shall not serve as pharmacist manager of any pharmacy.
8. Petitioner shall not have an ownership interest in any pharmacy.
9. Petitioner shall not serve as a preceptor of pharmacy students.
10. Petitioner may not be employed as a pharmacist more than 30 hours per week, on the average. This limitation may be extended at the discretion of NCPRN.
11. 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.

12. Petitioner shall authorize NCPRN and any treating physician or other health care provider to release Petitioner's medical records to the Board.
13. Petitioner shall violate no laws governing the practice of pharmacy or the distribution of drugs.
14. Petitioner shall violate no rules or regulations of the Board.
15. If Petitioner fails to comply with any term or condition of this Order, Petitioner may be subject to additional disciplinary action by the Board.

This is the 20th day of September, 2011.

NORTH CAROLINA BOARD OF PHARMACY

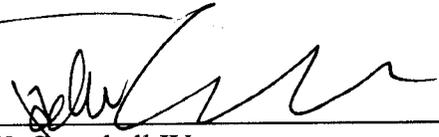
By: _____


Jack W. Campbell IV
Executive Director

CERTIFICATE OF SERVICE

I certify that on September 22, 2011, I caused a copy of this Order Reinstating License With Conditions to be served on Petitioner by registered mail, return-receipt requested:

[REDACTED]



Jack W. Campbell IV
Executive Director

cc: Marion License File, #06805
Mary Christine Parks, North Carolina Pharmacist Recovery Network
1011 Pemberton Hill Road
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