

STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY

IN THE MATTER OF)
) **FINAL ORDER**
FREDRICK ANTHONY MAYS)
License Number 10812)

THIS MATTER was heard on January 19, 2010, by the North Carolina Board of Pharmacy ("Board") located at 6015 Farrington Road, Suite 201, Chapel Hill, North Carolina, pursuant to a Notice of Hearing. After hearing the testimony of Fredrick Anthony Mays ("Mays"), Board Investigator Jason Smith, North Carolina Pharmacist Recovery Network ("PRN") Executive Director Mary Christine Parks, and Board Executive Director Jay Campbell, adjudging the credibility of the witnesses, and receiving evidence, the Board makes the following:

FINDINGS OF FACT

1. At various times since May 15, 1990, Mays has been the holder of license number 10812, issued by the Board.
2. Mays is and was, at all relevant times referred to herein, subject to the rules and regulations of the North Carolina Board of Pharmacy and the laws of the State of North Carolina.
3. Mays received all required notice of the hearing and/or waived any additional notice.
4. At times between May 2005 and December 2006, while working at CVS/Pharmacy, Mays diverted large quantities of prescription medications to his own use without a prescription, including Schedule II controlled substances. These medications included Norvsac 10mg, Etodolac 400mg, Lisinopril 20/25, and Glucotrol XL 10mg, and Schedule II controlled substances Oxycodone (in various strengths), Oxycontin, Methadone 5 mg and

Endocet 10/660 mg. An audit of missing controlled substances showed about 1870 missing dosage units of Oxycodone (in various strengths), about 910 missing dosage units of Methadone 5 mg, about 600 missing dosage units of Endocet 10/650 mg, and about 400 missing dosage units of Oxycontin (in various strengths).

5. In interviews with CVS Loss Prevention Specialists and the Board Investigator, Mays admitted diverting the controlled substances found to be missing in the audit, as well as non-controlled substances. Mays acknowledged that he exchanged some of the diverted controlled substances for cocaine, which he then consumed. Mays confirmed these admissions in his testimony before the Board.

6. On January 1, 2007, Mays entered into a five-year contract with PRN.

7. On May 8, 2007, Mays voluntarily surrendered his license to the Board. By the terms of his surrender, Mays agreed that he committed acts that gave the Board sufficient cause to revoke his license.

8. Before November 2008, Mays had twice been terminated from PRN and had generally failed to comply with his PRN obligations. In or before November 2008, Mays' substance abuse counselor, Margaret Graves, discharged Mays from her care for non-compliance with her treatment program. In December 2008, PRN terminated Mays from its program for the third and final time. Mays has not been treated by any licensed professional counselor, licensed clinical social worker, or other licensed therapist since his discharge by Ms. Graves. Such treatment was a material part of Mays' PRN contract and is an essential part of his recovery effort.

9. Adjudging the testimony of the witnesses, including the Executive Director of PRN and Mays, and the evidence presented, the Board finds and concludes that Mays' addiction

renders him unfit to practice pharmacy with reasonable skill, competence and safety to the public, and that he has not received sufficient substance abuse treatment and after-care to assure that he is currently fit to practice pharmacy.

CONCLUSIONS OF LAW

By virtue of the facts found above, the Board finds and concludes that Mays has violated North Carolina General Statutes § 90-85.38(a)(3), (5), (6) and (7). Considering all of the facts and circumstances of this matter, the Board finds and concludes that the discipline set forth in this Final Order is appropriate.

WHEREFORE, it is hereby **ORDERED, ADJUDGED and DECREED** that Mays' request for reinstatement of his license is hereby **DENIED**.

It is further **ORDERED, ADJUDGED and DECREED** that the Board's request for imposition of discipline is hereby **GRANTED** as follows:

1. Mays' license to practice pharmacy is hereby **REVOKED**. As a result of the revocation, Mays shall not be present in any pharmacy in the State of North Carolina except as a customer, with a valid prescription from a treating physician.

2. Mays may not petition for reinstatement until at least two years after the date of the execution of this Final Order, at the earliest. As a condition precedent to any such application, Mays must provide the Board with written notice from PRN that PRN will advocate for the reinstatement of Mays' license.

If a petition or application is submitted that does not satisfy either the time limits set forth in this Final Order or any other conditions precedent, the Executive Director is instructed to deny the petition or application and not to schedule any hearing on the petition or application before

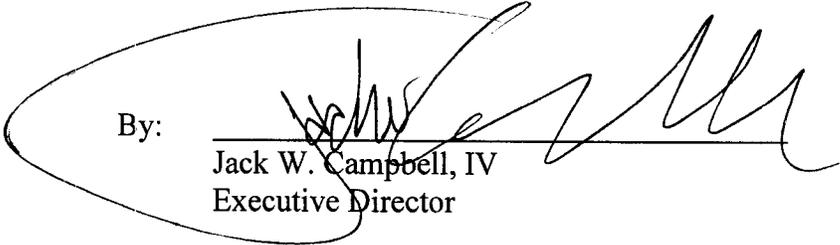
the Board until both the time limits set forth in this Final Order and any other conditions precedent are satisfied.

The ability to petition for reinstatement or to submit a new application under this Final Order does not indicate that the Board will grant any such petition or application. A license will be granted or reinstated only upon order of the Board and only after a finding that the grant of reinstatement is appropriate under the Pharmacy Practice Act and its rules and regulations. In making that decision, the Board will consider, among other things, the gravity of the misconduct that caused the revocation, the applicant's history, the applicant's current ability to practice pharmacy with reasonable skill, competence and safety to the public, and the petitioner's conduct since the order of revocation.

This the 2^d day of February, 2010.

NORTH CAROLINA BOARD OF PHARMACY

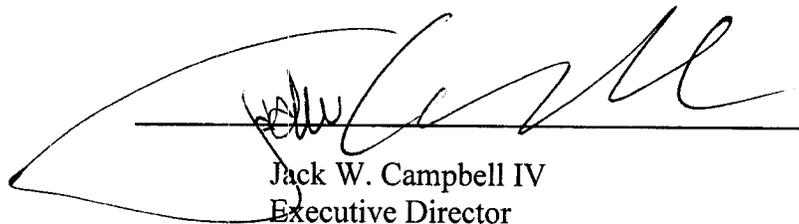
By:



Jack W. Campbell, IV
Executive Director

CERTIFICATE OF SERVICE

I certify that on February 3, 2010, I caused a copy of this Final Order to be served on RPh. Fredrick Anthony Mays, license #10812, by registered mail, return-receipt requested.



Jack W. Campbell IV
Executive Director