

STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY

IN THE MATTER OF)
)
KAREN L. McKISSICK) **FINAL ORDER**
License Number 14265)

THIS MATTER came on to be heard before the North Carolina Board of Pharmacy (the “Board”) on September 17, 2013, pursuant to a request by Respondent Karen L. McKissick “(McKissick”) for reinstatement of her license to practice pharmacy, which McKissick voluntarily surrendered on December 13, 2010, and pursuant to the request of the Board staff for final discipline. The matter was heard by Board President Gene Minton and Board Members E. Lazelle Marks, Dr. J. Parker Chesson, Jr., Carol Yates Day, Robert McLaughlin, Jr., and William A. Mixon at the offices of the Board. Board staff was represented by Clinton R. Pinyan and Rebecca L. Cage. McKissick was present and represented by James A. Wilson.

The Board received evidence and testimony presented by both the Board staff and McKissick. Considering the evidence and adjudging the credibility of the witnesses, the Board hereby makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. The Board is a body duly organized under the laws of North Carolina and is the proper body for this proceeding under the authority granted it in Chapter 90 of the General Statutes of North Carolina, and the rules and regulations promulgated thereunder. McKissick is and was, at all relevant times referred to herein, subject to the rules and regulations of the Board and the laws of the United States of America and the State of North Carolina.

2. McKissick received all required notice of the September 17, 2013 hearing.

3. Since March 17, 1998, McKissick has been licensed by the Board to practice pharmacy in the State of North Carolina and has been the holder of license number 14265, except for periods of voluntary surrender and summary suspension described herein.

4. McKissick was first diagnosed with bipolar disorder in 2003, after being involuntarily hospitalized. On several instances since 2003, McKissick's condition was not treated sufficiently to render her fit to practice pharmacy with reasonable skill, competence and safety to the public. During the time period from 2003 to 2012, McKissick was hospitalized with episodes of her bipolar disorder on at least thirteen different occasions. Most, if not all, of these hospitalizations have been involuntary.

5. On some occasions, McKissick has suffered from episodes of her bipolar disorder while engaged in the practice of pharmacy.

6. On or about January 20, 2006, while engaged in the practice of pharmacy, McKissick was found at her place of employment suffering from an episode of her bipolar disorder. McKissick was ordered to the Emergency Room at Maria Parham Medical Center for a mental health evaluation. Immediately after McKissick's evaluation at Maria Parham, McKissick was involuntarily committed to John Umstead Hospital on the same date. This incident was not reported to the Board until 2008.

7. In addition, on February 4, 2009, while in the presence of a Board investigator and while engaged in the practice of pharmacy, McKissick suffered from an episode of her bipolar disorder. Within the next week, McKissick had again been involuntarily committed.

8. Notwithstanding McKissick's condition, the Board has not been presented with any evidence that she has ever committed any misfills as a result of that condition. But witnesses testified that, although McKissick had never made an error as a result of her bipolar disorder, she

had – on multiple occasions – been unable to verify prescriptions in order to provide patients with drugs in a timely fashion. Moreover, she had informed patients that the pharmacy was out of stock of certain drugs, when the pharmacy was not, causing disruption and delay in filling prescriptions. McKissick testified that she was able to verify prescriptions and provide patients with their drugs in a timely fashion and that she did not tell patients the pharmacy was out of stock of certain drugs when she knew that was not true.

9. By Order dated February 17, 2009, the Board summarily suspended McKissick's license.

10. On March 9, 2010, the Board accepted a consent order with McKissick, reinstating her license on certain conditions. That consent order found and concluded that McKissick suffered from a disabling condition and that the Board had suspended McKissick's license because of valid concerns about McKissick's fitness to practice pharmacy with reasonable skill, competence and safety to the public. The consent order found that McKissick could practice pharmacy with reasonable skill, competence and safety to the public only if she complied with a treatment program approved by her treating psychiatrist and complied with other conditions approved by the Board. The consent order provided that McKissick's license would be reinstated only when she met all of the conditions for return of her license.

11. One of the consent order's conditions for reinstatement of McKissick's license was that she shall meet and shall continue to meet all requirements for being in the "AMSRE Stable Recovery Population." Among other things, an individual is qualified for the AMSRE Stable Recovery Population only if her illness has been managed successfully in the community with no need for crisis services or hospitalization within the past six months related to mental illness.

12. On or about March 13, 2010, before McKissick had satisfied all of the conditions for reinstatement of her license, she again suffered an episode of bipolar disorder and was again involuntarily committed to Holly Hills Hospital.

13. On October 19, 2010, the Board found that McKissick had met the conditions for reinstatement of her license and voted to reinstate McKissick's license.

14. During the week of November 15, 2010, McKissick again suffered an episode of bipolar disorder and was again involuntarily committed.

15. On December 13, 2010, McKissick voluntarily surrendered her license. McKissick admitted that grounds existed that gave the Board sufficient cause to revoke her license to practice pharmacy in North Carolina.

16. On multiple occasions since December 2010, the Board has scheduled hearings on potential reinstatement of McKissick's license, but before those hearings could be held, McKissick has suffered recurring episodes of bipolar disorder, causing McKissick to withdraw her requests for reinstatement.

17. Based on the stipulated facts and the testimony of the witnesses, the Board finds that McKissick suffers from a persistent and disabling condition that totally prevents her from working as a pharmacist. Her condition has existed since 2003, and it has prevented her from performing the functions of the practice of pharmacy since at least February 2009. Since at least November 2006, Dr. Smith has treated McKissick for her bipolar disorder. Dr. Smith's testimony established that McKissick has experienced insufficient change or improvement in her current medical condition from her prior episodes of bipolar disorder and hospitalizations to render her fit to practice pharmacy safely.

18. Adjudging the testimony of the witnesses, including Dr. Smith and McKissick, and the evidence presented, the Board finds and concludes that McKissick still suffers from a mental condition that renders her unfit to practice pharmacy with reasonable skill, competence and safety to the public and that she has not demonstrated sufficient improvement through medical treatment to assure that she is currently fit to practice pharmacy. Based on the testimony, the Board finds that McKissick's condition is persistent and has been resistant to treatment, and that the permanent revocation of her license to practice pharmacy is appropriate.

CONCLUSIONS OF LAW

By virtue of the facts found above, the Board finds and concludes that McKissick does not meet the standards to hold a license under North Carolina General Statutes § 90-85.38(a)(5). Considering all 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 McKissick's request for reinstatement of her 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:

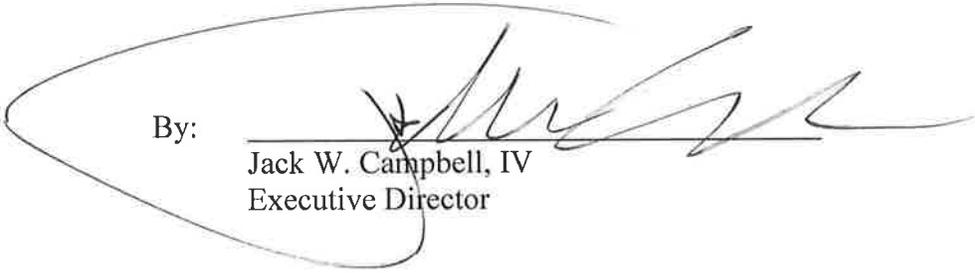
1. McKissick's license to practice pharmacy is hereby **REVOKED**. As a result of the revocation, McKissick shall not be present in any pharmacy in the State of North Carolina except as a customer with a valid prescription.

2. The time limits contained in the Board's Reapplication and Reinstatement Policy are modified to the extent that McKissick may petition for reinstatement no sooner than (18) months after the date of the execution of this Final Order. The Reapplication and Reinstatement Policy otherwise applies in full to this Final Order.

This the 7 day of September, 2013.

NORTH CAROLINA BOARD OF PHARMACY

By:

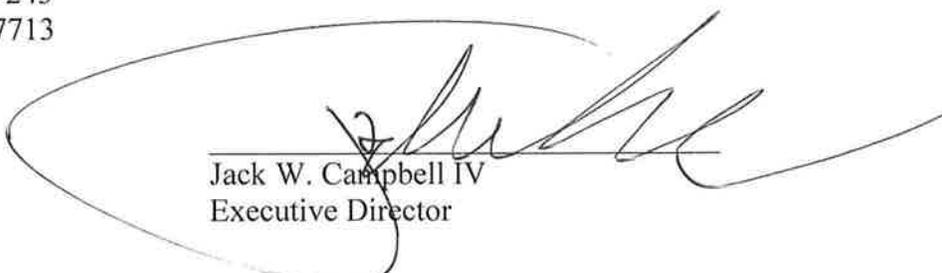


Jack W. Campbell, IV
Executive Director

CERTIFICATE OF SERVICE

I certify that on October 30, 2013, I caused a copy of this Order to be served on Karen L. McKissick, through her counsel, by registered mail, return receipt requested, addressed as follows:

James A. Wilson, Esq.
5322 Highgate Drive, Suite 243
Durham, North Carolina 27713



Jack W. Campbell IV
Executive Director