

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In Re:

Clyde A. Mills)
(License No. 12644)) **ORDER REINSTATING LICENSE**
) **WITH CONDITIONS**
)

THIS MATTER was heard on January 20, 2009, by the North Carolina Board of Pharmacy (“Board”) located at 6015 Farrington Road, Suite 201, Chapel Hill, North Carolina, upon the request of Clyde A. Mills (“Petitioner”) for reinstatement of his license to practice pharmacy in the state of North Carolina. Board members Haywood, Nelson, Chesson, and Dennis conducted this hearing. After hearing the testimony of witnesses, adjudging the credibility of the witnesses, and receiving evidence, the Board makes the following:

FINDINGS OF FACT

1. At relevant times, Petitioner was licensed to practice pharmacy by the Board and was the holder of license number 12644.
2. In March 2008, Board staff received a report the federal Office of Inspector General that Petitioner had been terminated by the Veterans’ Administration Hospital Pharmacy in January 2007. Petitioner was discovered smoking marijuana in his car while on duty at the VA Hospital Pharmacy.
3. After his termination, Petitioner obtained employment as a pharmacist with Ingles, but did not notify the Board of the change. Petitioner testified that he did not notify the Board because he feared his termination by the VA, and the reasons for it, would be discovered.

4. Board Investigator Jason Smith investigated the case. He interviewed petitioner, who admitted the circumstances surrounding his termination by the VA. After initially denying that he had continued to use marijuana, Petitioner admitted continuing use when Investigator Smith asked for a urine sample. Petitioner provided the sample, which tested positive for cannabinoids.
5. Petitioner voluntarily surrendered his license to practice pharmacy on April 29, 2008.
6. Petitioner subsequently entered into a contract with North Carolina Pharmacist Recovery Network ("NCPRN").
7. Petitioner completed an in-patient assessment at the Center for Professional Excellence and an in-patient treatment program at the Betty Ford Center.
8. NCPRN reports that Petitioner has been fully compliant with his contract terms and his on-going substance abuse treatment and counseling, and advocates his 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.

IT IS THEREFORE ORDERED that Petitioner's license to practice pharmacy is REINSTATED, subject to the following conditions:

1. Petitioner shall successfully complete his NCPRN contract, which shall be renewed to extend for five (5) years from the date of this Order.

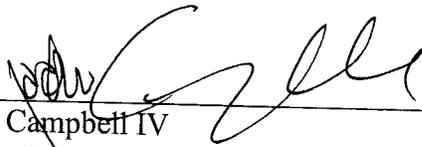
2. Petitioner shall advise the Board promptly in writing of any change of address or change in practice status.
3. Petitioner shall obtain prior approval of all employment as a pharmacist from the Board's Executive Director.
4. Petitioner shall not serve as pharmacist manager of any pharmacy.
5. Petitioner shall not serve as a preceptor of pharmacy students.
6. Petitioner may not be employed as a pharmacist more than 30 hours per week. This limitation may, at any time, be extended to 40 hours per week, on average, at the discretion of the Executive Director of NCPRN.
7. 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.
8. Petitioner shall authorize NC PRN, and any treating physician or other health-care provider to release Petitioner's medical records to the Board.
9. Petitioner shall provide to Board staff by February 28, 2009, evidence that he has completed sufficient continuing education hours to renew his license to practice pharmacy for 2009.
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. If Petitioner fails to comply with any terms or conditions of this Order, he shall be subject to additional disciplinary action by the Board.

This is the 21st day of January, 2009.

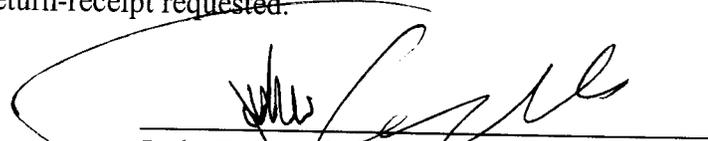
NORTH CAROLINA BOARD OF PHARMACY

By: _____


Jack W. Campbell IV
Executive Director

CERTIFICATE OF SERVICE

I certify that on January 27, 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: Mills License File
Paul Peterson, Executive Director, North Carolina Pharmacist Recovery Network