

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In Re:

DAVID BRIAN MOZINGO

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ORDER REGARDING LICENSURE

THIS MATTER was heard on May 18, 2010, by the North Carolina Board of Pharmacy (“Board”) located at 6015 Farrington Road, Suite 201, Chapel Hill, North Carolina, upon the request of David Brian Mozingo (“Petitioner”) for the Board to act favorably upon his application license to practice pharmacy in the state of North Carolina. Board members McLaughlin, Dennis, Chater, Chesson, Minton, and Marks 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. Petitioner is a 2009 graduate of the Campbell University College of Pharmacy and Health Sciences.
2. In September 2009, Petitioner submitted an Application for Examination and Registered Pharmacist Certificate to the Board.
3. Petitioner answered “yes” on the application to the question “Have you ever been summoned, arrested, taken into custody, indicted, convicted, or tried for, or charged with, or pleaded guilty to the violation of any law or ordinance or the commission of any felony or misdemeanor?”
4. Petitioner disclosed that he was arrested and charged with driving under the influence in May 2007. Though that charge was dismissed because the arresting

officer had retired and was therefore unavailable to testify, Petitioner admitted that he was, in fact, driving under the influence when he was arrested.

5. Petitioner also disclosed that he had been arrested and charged with driving under the influence in August 2009. At the time Petitioner submitted his application, this second DUI charge was pending. Board staff advised Petitioner that he must resolve his pending DUI charge before any further action would be taken on his application. In time, Petitioner pleaded guilty to the DUI charge. He was sentenced to 60 days of imprisonment, which was suspended upon his completion of twelve (12) months of supervised probation and payment of fines.
6. Petitioner realized that he might have a substance abuse problem and, of his own volition, submitted to a substance abuse evaluation at First Step Services in late 2009. First Step Services recommended that Petitioner obtain 20 hours of counseling on alcohol abuse. Petitioner completed that counseling.
7. Subsequently, and again of his own volition, Petitioner contacted North Carolina Pharmacist Recovery Network ("NCPRN"). Per the recommendation of NCPRN, Petitioner submitted to a three-day substance abuse evaluation at the Pavillon Treatment Center.
8. Following the Pavillon evaluation, Petitioner complied with its recommendation of a period of intensive outpatient treatment for alcohol abuse.
9. Petitioner signed a five-year treatment and monitoring contract with NCPRN in November 2009. NCPRN reports that Petitioner has been materially compliant with all the terms of his contract. Two isolated instances of non-compliance have not recurred.

10. Petitioner continues to comply with the terms and conditions of his NCPRN contract.
11. NCPRN advocates for Petitioner's eligibility for licensure.

CONCLUSIONS OF LAW

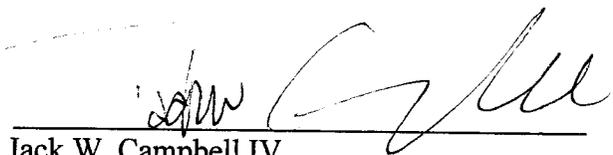
Petitioner has demonstrated that he has been in a period of successful recovery.

IT IS THEREFORE ORDERED that Petitioner may proceed with the licensure process, subject to the following conditions:

1. Petitioner shall successfully complete all testing required as a precondition for licensure.
2. Petitioner shall successfully complete his PRN contract.
3. Once licensed, Petitioner shall not work more than forty (40) hours per week on average per the terms of his NCPRN contract. NCPRN may, in its discretion, vary the allowable work hours as it deems clinically appropriate.
4. Petitioner shall not serve as pharmacist manager for a period of one (1) year from the date that Petitioner is licensed as a pharmacist.
5. Petitioner shall authorize NCPRN, and any treating physician or other health-care provider to release Petitioner's medical records to the Board.
6. If Petitioner fails to comply with any terms or conditions of this Order, Petitioner may be subject to additional disciplinary action by the Board.

This is the 18th day of May, 2010.

NORTH CAROLINA BOARD OF PHARMACY

By: 

Jack W. Campbell IV
Executive Director