

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In The Matter Of:

Gunar Stowers)
(License No. 15741)) **ORDER REINSTATING LICENSE**
)
)

THIS MATTER came on for hearing upon request of Gunar E. Stowers (Petitioner) for reinstatement of his license to practice pharmacy in North Carolina. Petitioner's request was heard on January 17, 2006 by the North Carolina Board of Pharmacy located at 6015 Farrington Rd., Suite 201, Chapel Hill, North Carolina. Consideration of the Petitioner's request was heard based upon records in this proceeding, and the testimony and other materials of record presented at the hearing, the Board makes the following:

FINDINGS OF FACT

1. Petitioner was licensed on November 21, 2000 to practice pharmacy by the North Carolina Board of Pharmacy (Board) and was the holder of license number 15741.
2. On March 3, 2005 Baptist Hospital Pharmacist Manager Marty Glasgow confronted Petitioner about an incident concerning a missing vial of Dilaudid 20 ml. Petitioner admitted to diverting Dilaudid from Baptist Hospital Pharmacy stock. Larry Gordon of Baptist Hospital Risk Management collected a urine sample for a drug screen from Petitioner.

3. On March 4, 2005 Petitioner contacted the North Carolina Board of Pharmacy Newton Office, and reported diverting Dilaudid, Morphine, Fentanyl, Lortab Elixir and Methadone from Baptist Hospital where he was employed as a staff pharmacist.
4. On March 4, 2005 Petitioner voluntarily surrendered his pharmacist license to Board Inspector Brian Stewart and ceased practicing pharmacy based upon his obtaining, consuming and dispensing legend prescription drugs and controlled substances without authorization and in violation of State and Federal statutes and regulations.
5. Petitioner contacted the North Carolina Pharmacist Recovery Network and underwent treatment for substance abuse from March 5, 2005 to June 10, 2005 at the William J. Farley Center Professional Treatment Program of Williamsburg Place, Williamsburg, Virginia.
6. On March 8, 2005, March 9, 2005 and June 21, 2005 Board Investigator Amy Cook conducted interviews and obtained statements from Baptist Hospital staff regarding the incident on March 3, 2005.
7. Board Investigator Amy Cook interviewed Petitioner on March 9, and June 21, 2005 and he admitted to diverting controlled substances Morphine, Dilaudid and Lortab Elixir from Baptist Hospital Pharmacy stock for his own personal use and without a prescription. The results of Petitioner's drug screen were positive for Hydrocodone and Hydromorphone. Petitioner did not have a current or valid prescription for either medication.
8. On June 21, 2005 Petitioner met with SBI Agent Wendy White and admitted to diluting Dilaudid.

9. On February 2, 2006 Petitioner is scheduled to appear in Forsyth County, North Carolina Criminal District Court for (7) Felony charges of Embezzling Controlled Substance by Employee of Registrant.

CONCLUSION OF LAW

Petitioner has demonstrated that he has been in a period of successful recovery and compliance with his N.C. Pharmacist Recovery Network contract. The North Carolina Board of Pharmacy, in its discretion, concludes that Petitioner can safely resume the practice of pharmacy, subject to the conditions set forth below.

IT IS, THEREFORE, ORDERED that Petitioner's license to practice pharmacy shall be reinstated subject to the following conditions:

1. Petitioner shall successfully complete his PRN contract, which shall be renewed to extend 5 years from the date of his reinstatement (January 17, 2006).
2. Petitioner shall notify the Board's Executive Director of the disposition of the criminal charges relating to his North Carolina pharmacist license and the diversion of controlled substances from Baptist Hospital.
3. Petitioner shall obtain prior approval of all employment as a pharmacist from the Board's Executive Director.
4. Petitioner shall advise the Board promptly in writing of any change of addresses or change in practice status.
5. Petitioner shall not serve as pharmacist-manager of any pharmacy.
6. Petitioner shall not serve as a preceptor of pharmacy interns or resident students.
7. Petitioner may not be employed as a pharmacist in excess of 40 hours per week, on the average.

8. 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 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 and approved by PRN staff.
9. Prior to commencement of employment as a pharmacist, Petitioner shall submit documentation of his current continuing education hours to the Board's Executive Director.
10. Petitioner shall obtain 10 hours of continuing education for reinstatement of his license, at least five of which must be contact hours and pay a reinstatement fee of \$270.00.
11. Petitioner shall violate no laws governing the practice of pharmacy or the distribution of drugs.
12. Petitioner shall violate no rules of the Board.
13. If Petitioner fails to comply with any terms or conditions of the Order, Petitioner may be subject to additional disciplinary actions by the Board.

This, the 17th day of January 2006.

NORTH CAROLINA BOARD OF PHARMACY

By: David R. Work
David R. Work
Executive Director