

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In Re:

Matthew B. Thompson
(License No. 12699)

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ORDER REINSTATING LICENSE
WITH CONDITIONS

THIS MATTER was heard on November 17, 2009, by the North Carolina Board of Pharmacy ("Board") located at 6015 Farrington Road, Suite 201, Chapel Hill, North Carolina, upon the request of Matthew B. Thompson ("Petitioner") for reinstatement of his license to practice pharmacy in the state of North Carolina. Board members McLaughlin, Dennis, Haywood, Nelson, Chesson, and Chater 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 12699.
2. In March 2008, Board staff received controlled substance loss reports from several Walmart pharmacies in western North Carolina. In total, the reports detailed the loss of several thousand dosage units of controlled substances, including hydrocodone/acetaminophen combination products (Schedule III controlled substances).
3. When interviewed by Board investigative staff concerning these losses, Petitioner admitted to diverting controlled substances, including hydrocodone/acetaminophen combination products, for personal use. Petitioner also admitted

to diverting tramadol for personal use. Tramadol is not a controlled substance, but is a drug with significant abuse potential.

4. Petitioner diverted these prescription drugs while acting as the pharmacist-manager of one Walmart pharmacy and working relief shifts at other Walmart pharmacies.
5. On October 2, 2008, Petitioner voluntarily surrendered his license to practice pharmacy.
6. On October 6, 2008, Petitioner signed a five-year treatment and monitoring agreement with North Carolina Pharmacist Recovery Network ("NCPRN").
7. Petitioner completed a five-week in-patient substance abuse treatment program at Willingway Hospital.
8. NCPRN reports that Petitioner has complied, and continues to comply, with his treatment and monitoring obligations, which include random urine screens and counseling. NCPRN advocates a return of Petitioner's license to practice pharmacy with appropriate conditions.
9. On October 23, 2009, Petitioner entered into a deferred prosecution agreement. That agreement requires Petitioner, among other things, to complete 36 months of supervised probation, complete 50 hours of community service within 120 days of the agreement, and pay approximately \$16,000 in restitution. If Petitioner successfully discharges these conditions, outstanding felony charges controlled substance embezzlement by employee and larceny by employee will be dismissed.

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 REVOKED, but this revocation is STAYED INDEFINITELY 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 without first obtaining approval to do from the Board's Executive Director.
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 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.

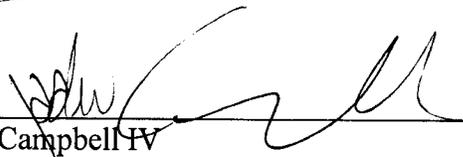
8. Petitioner shall authorize NCPRN, and any treating physician or other health-care provider to release Petitioner's medical records to the Board.
9. If Petitioner fails to comply with any terms or conditions of this Order, Petitioner may be subject to additional disciplinary action by the Board.
10. 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. Petitioner shall complete all conditions of his deferred prosecution agreement.

This is the 17th day of November, 2009.

NORTH CAROLINA BOARD OF PHARMACY

By: _____

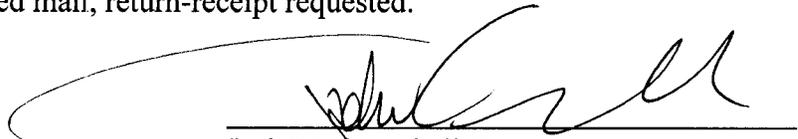
Jack W. Campbell IV
Executive Director



A handwritten signature in black ink, appearing to read 'Jack W. Campbell IV', is written over a horizontal line. The signature is enclosed within a large, hand-drawn oval.

CERTIFICATE OF SERVICE

I certify that on November 19, 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: Thompson License File
Mary Christine Parks, Executive Director, North Carolina Pharmacist Recovery Network