

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In Re:

**Joseph Wayne Wallace
(License No. 11472)**

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ORDER REINSTATING LICENSE

THIS MATTER was heard on April 15, 2008, by the North Carolina Board of Pharmacy (“Board”) located at 6015 Farrington Road, Suite 201, Chapel Hill, North Carolina, upon the request of Joseph Wayne Wallace (“Petitioner”) for reinstatement of his license to practice pharmacy in the state of North Carolina. Board members Nelson, Chesson, Chater, Dennis, and McLaughlin 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 all relevant times, Petitioner was licensed to practice pharmacy by the Board and was the holder of license number 11472.
2. On June 19, 2007, the Board of Pharmacy received a complaint that Petitioner had forged a number of prescriptions for Schedule II and Schedule III controlled substances for purposes of diverting these controlled substances for his personal use.
3. Board Investigator Holly Price Hunt responded to the complaint, investigated this matter, and prepared a report of her findings. The Board has reviewed that report.
4. When Investigator Hunt interviewed Petitioner, he admitted to having begun diverting controlled substances in November 2004. Petitioner admitted to having

diverted oxycodone, methadone, hydrocodone, and alprazolam from pharmacy stock bottles.

5. Petitioner admitted to having created fictitious patient profiles and forging prescriptions for controlled substances in the names of these fictitious patients.
6. Petitioner admitted to having forged prescriptions for controlled substances in the names of actual patients at his, and other, pharmacies, filling these forged prescriptions for personal use, and billing these patients' insurers for the cost of the prescriptions.
7. Petitioner voluntarily surrendered his license to practice pharmacy on June 22, 2007.
8. After surrendering his license, Petitioner entered into a contract with North Carolina Pharmacist Recovery Network ("NC PRN").
9. Petitioner entered a long-term in-patient treatment facility for professionals with substance abuse problems. Petitioner successfully completed that treatment program.
10. Petitioner continues to participate in group meetings and counseling sessions.
11. Petitioner has not tested positive for any controlled or other prohibited substance since completing his in-patient treatment program.
12. Paul Peterson, Executive Director of NC PRN, testified that Petitioner has been in full compliance with his NC PRN contract.
13. Petitioner pleaded guilty to one misdemeanor count of diverting a controlled substances. He was sentenced to a suspended 45-day jail term, 18 months of supervised probation, and ordered to pay restitution.

CONCLUSIONS OF LAW

Petitioner has demonstrated that he has been in a period of successful recovery and compliance with his PRN 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 shall be reinstated, subject to the following conditions:

1. Petitioner shall successfully complete his PRN 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 40 hours per week, on average.
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. Prior to commencing employment as a pharmacist, Petitioner shall submit documentation of his current continuing education hours to the Board's Executive Director.
10. Petitioner shall notify any potential employer of this Order and of his guilty plea to a criminal count.
11. Petitioner shall violate no laws governing the practice of pharmacy or the distribution of drugs.
12. Petitioner shall violate no rules or regulations of the Board.
13. 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 15th day of April, 2008.

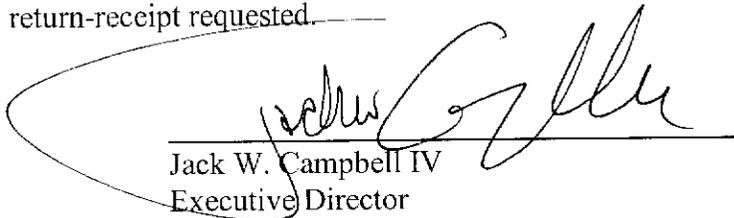
NORTH CAROLINA BOARD OF PHARMACY

By: _____


Jack W. Campbell IV
Executive Director

CERTIFICATE OF SERVICE

I certify that on April 16, 2008, 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: Wallace License File
Paul Peterson, Executive Director, North Carolina Pharmacist Recovery Network
Jeffrey J. Wiebe, Esq.
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Hillsborough, NC 27278