

STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY

IN THE MATTER OF)
)
TIANA J. WITCHER) **FINAL ORDER**
License Number 11664)

THIS MATTER was heard on March 9, 2010 and April 20, 2010, by the North Carolina Board of Pharmacy ("Board") located at 6015 Farrington Road, Suite 201, Chapel Hill, North Carolina, pursuant to a Notice of Hearing. The matter was heard by Board President Robert McLaughlin, Jr. and Board Members Rebecca W. Chater, Dr. J. Parker Chesson, Jr., Dr. Betty H. Dennis, L. Stan Haywood and Wallace E. Nelson. Tiana J. Witcher (License No. 11664) ("Witcher") was present. After hearing the testimony of Witcher, North Carolina Pharmacist Recovery Network ("PRN") Executive Director Mary Christine Parks, and the North Carolina Baptist Hospital Pharmacy Operations Manager Greg Fox, adjudging the credibility of the witnesses and receiving evidence, the Board makes the following:

FINDINGS OF FACT

1. At all times since May 20, 1992, Witcher has been the holder of License No. 11664, issued by the Board.
2. Witcher is and was, at all relevant times referred to herein, subject to the rules and regulations of the North Carolina Board of Pharmacy and the laws of the State of North Carolina.
3. Witcher received all required notice of the hearing and/or waived any additional notice.
4. At all relevant times referred to herein, Witcher was employed as a pharmacist by the North Carolina Baptist Hospital Pharmacy (the "Pharmacy"), Permit No. 819.

5. On or about October 21, 2008, Witcher was admitted to the Wake Forest University Baptist Medical Center Emergency Department and treated for alcohol intoxication. A blood test indicated that her blood alcohol content was 378 mg/dl.

6. On or about December 12, 2008, Witcher was admitted to Pavillon International, a substance abuse treatment center, where she received treatment for alcohol dependence.

7. On or about January 29, 2009, Witcher voluntarily entered a substance abuse program administered by PRN. At that time, she entered into a contract governing the terms of her participation in the program (the "Contract").

8. In light of Witcher's substance abuse issues, compliance with the Contract was necessary to ensure that she was fit to practice pharmacy with reasonable skill, competence and safety to the public.

9. Witcher's continued employment at the Pharmacy was conditioned upon her participation in the substance abuse program administered by PRN.

10. Between approximately March 2009 and November 2009, Witcher violated the terms of the Contract in various ways, including but not limited to:

- a. By failing to call in to determine if she should be drug tested on or about March 14, 2009, April 15, 2009, and April 17, 2009;
- b. By submitting dilute urine samples on or about June 9, 2009, July 27, 2009, September 8, 2009, October 21, 2009, and November 24, 2009;
- c. By violating the Contract's limitations on her employment, specifically by working the third shift at the Pharmacy in or about April 2009, without

approval from PRN, and after PRN had denied her request for such approval; and

- d. By failing to participate in the required sessions of continuing care in July 2009.

11. As its initial response to Witcher's noncompliance, the PRN Compliance Committee issued a Formal Letter of Warning to Witcher on or about June 18, 2009, imposing additional drug testing requirements on Witcher. The letter warned that further noncompliance would result in immediate reporting of noncompliance to the Board.

12. In addition, PRN issued to Witcher a Notice of Noncompliance for each instance of noncompliance that was formally considered by PRN. Between March 2009 and December 2009, PRN issued to Witcher ten (10) Notices of Noncompliance.

13. The PRN Compliance Committee ultimately reviewed Witcher's compliance with her PRN Contract on five separate occasions between June 2009 and January 2010. Its final meeting resulted in a recommendation that PRN terminate her Contract. PRN terminated the Contract by letter dated January 5, 2010, and referred the matter to the Board.

14. Adjudging the testimony of the witnesses, including Witcher and the Executive Director of PRN, and the evidence presented, the Board finds and concludes that Witcher's addiction and failure to demonstrate adequate compliance with her PRN Contract renders her unfit to practice pharmacy with reasonable skill, competence and safety to the public, and that she has not received sufficient substance abuse treatment and after-care to assure that she is currently fit to practice pharmacy.

CONCLUSIONS OF LAW

By virtue of the facts found above, the Board finds and concludes that Witcher has violated North Carolina General Statutes § 90-85.38(a)(3) and (5). Considering all of the facts and circumstances of this matter, the Board finds and concludes that the discipline set forth in this Final Order is appropriate.

WHEREFORE, it is hereby **ORDERED, ADJUDGED and DECREED** that the Board's request for imposition of discipline is hereby **GRANTED** as follows:

1. Witcher's license to practice pharmacy is hereby **SUSPENDED INDEFINITELY**. As a result of the suspension, Witcher shall not be present in any pharmacy in the State of North Carolina except as a customer, with a valid prescription from a treating physician.

2. Witcher must return to the Board within seven (7) days of execution of this Final Order her large wall certificate, her renewal certificate, and her wallet card.

3. Witcher may not petition for reinstatement, unless as a condition precedent to any such application, Witcher provides the Board with written notice from PRN that PRN will advocate for the reinstatement of Witcher's license. Monitoring by a third-party recovery or monitoring entity other than PRN will not satisfy this condition precedent.

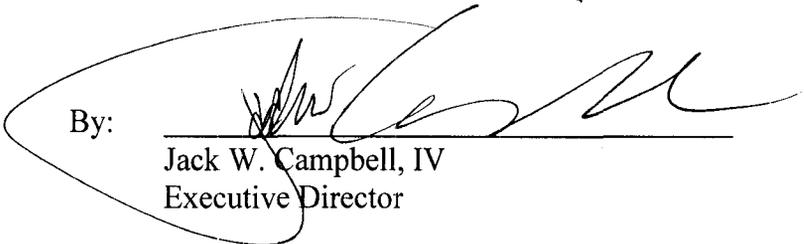
If a petition or application is submitted that does not satisfy the condition precedent to application for reinstatement, the Executive Director is instructed to deny the petition or application and not to schedule any hearing on the petition or application before the Board until such time as the condition precedent is satisfied.

The ability to petition for reinstatement or to submit a new application under this Final Order does not indicate that the Board will grant any such petition or application. A license will be granted or reinstated only upon order of the Board and only after a finding that the grant of reinstatement is appropriate under the Pharmacy Practice Act and its rules and regulations. In making that decision, the Board will consider, among other things, the gravity of the misconduct that caused the revocation, the applicant's history, the applicant's current ability to practice pharmacy with reasonable skill, competence and safety to the public, and the applicant's conduct since the order of revocation.

This the 20th day of April, 2010.

NORTH CAROLINA BOARD OF PHARMACY

By: _____


Jack W. Campbell, IV
Executive Director

CERTIFICATE OF SERVICE

I certify that on May 6, 2010, I caused a copy of this Final Order to be served on RPh. Tiana J. Witcher, license #11664 by certified mail, return receipt requested.



Jack W. Campbell IV
Executive Director