

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:)
)
TIANA J. WITCHER)
)
(License No. 11664))
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)
)
_____)

**ORDER REINSTATING LICENSE
WITH CONDITIONS**

THIS MATTER was heard on January 19, 2016, by the North Carolina Board of Pharmacy ("Board") located at 6015 Farrington Road, Suite 201, Chapel Hill, North Carolina, upon the request of Tiana J. Witcher ("Petitioner") for reinstatement of her license to practice pharmacy. Board members Mixon, Day, McLaughlin, Minton, and Haywood heard this matter. 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 formerly held North Carolina license to practice pharmacy number 11664.
2. On or about December 12, 2008, Petitioner voluntarily entered a substance abuse program administered by North Carolina Pharmacist Recovery Network ("NCPRN"). At that time, she entered into a five-year treatment and monitoring agreement with NCPRN governing the terms of her participation in the program (the "2008 Contract").
3. After numerous instances of Witcher's noncompliance with the Contract, on January 5, 2010, NCPRN terminated the 2008 Contract and referred Witcher to the Board.
4. On April 20, 2010, the Board entered a Final Order suspending Witcher's license indefinitely. The Final Order provided that Witcher could not petition for reinstatement, unless

as a condition precedent to any such application, Witcher provided the Board with written notice from NCPRN that NCPRN would advocate for the reinstatement of Witcher's license. The factual findings in that Final Order are incorporated herein by reference.

5. Since about July 2010, Petitioner has been a resident of the State of Texas.

6. On October 5, 2010, Petitioner executed a five-year support agreement with the Texas Professional Recovery Network Program ("TXPRN"), and she subsequently extended her relationship with TXPRN by entering into a new five-year support agreement on November 15, 2015 (the 2010 and 2015 agreements with TXPRN are collectively referred to as the "TXPRN Contract"). TXPRN reports that Petitioner has been compliant with her treatment and monitoring obligations and that Petitioner's recovery is such that she is safe to return to the practice of pharmacy with appropriate conditions.

7. Petitioner is currently practicing under an order of the Texas Board of Pharmacy (Board Order #L-10-017, in Docket No. 515-11-4234) (the "2011 Texas Board Order"). The 2011 Texas Board Order limits Petitioner's practice in Texas in certain respects.

8. On December 5, 2013, Petitioner executed a new five-year treatment and monitoring agreement with NCPRN governing the terms of her participation in the program (the "2013 Contract").

9. NCPRN reports that Petitioner has been compliant with her treatment and monitoring obligations and that Petitioner's recovery is such that she is safe to return to the practice of pharmacy with appropriate conditions. This compliance includes completing 43 urine drug screens, all of which have been negative. Petitioner did have one dilute urine drug screen in 2014; however, NCPRN reports that this was not indicative of relapse and that there have been no subsequent compliance issues.

10. On February 16, 2016, the Board will become associated with North Carolina Physicians Health Program ("NCPHP") as its peer review organization for impaired pharmacy personnel. At that point, NCPHP will begin monitoring pharmacy personnel who formerly were monitored under order of the Board. As part of that transition, NCPHP has reviewed Petitioner's file with NCPRN and has communicated with Petitioner and representatives of NCPRN. NCPHP does not disagree with the recommendations of NCPRN that Petitioner's recovery is such that she is safe to return to the practice of pharmacy with appropriate conditions. NCPHP is prepared to enter an agreement with Petitioner for the duration of the remaining term of the 2013 Contract. NCPHP representatives testified that they do not believe that the term of the agreement should be extended as a condition of this order.

CONCLUSIONS OF LAW

The Board, in its discretion, concludes that Petitioner can safely resume the practice of pharmacy with the conditions stated below.

IT IS THEREFORE ORDERED that Petitioner's license to practice pharmacy is **REINSTATED, SUBJECT TO THE FOLLOWING CONDITIONS:**

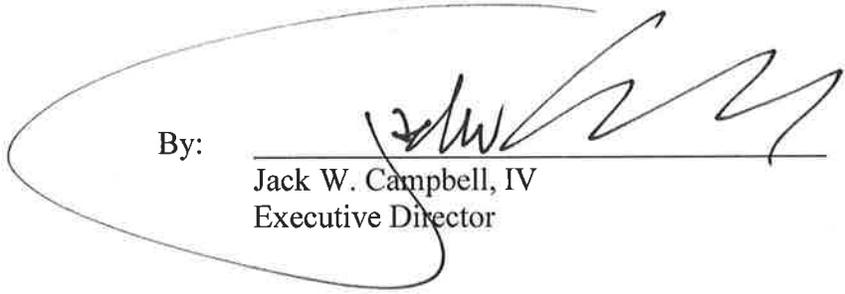
1. Petitioner shall complete an Application to Reinstate a Lapsed or Inactive License and pay the appropriate fee.
2. As part of the Application to Reinstate a Lapsed or Inactive License, Petitioner shall provide proof that she has obtained ninety (90) hours of continuing education, forty-eight (48) of which must be live or contact hours. These hours represent the continuing education obligation Petitioner would have been required to meet to renew her pharmacy license for 2011-2015, and the continuing education obligation Petitioner must meet to renew her pharmacy license for 2016.

3. Petitioner shall enter a treatment and monitoring agreement with NCPHP which will last through the remaining duration of Petitioner's 2013 Contract, with the term to be shortened or extended in the discretion of NCPHP.
4. All terms and conditions of the 2011 Texas Board Order are incorporated herein by reference, and Petitioner shall comply with that order, as well as any further orders of the Texas Board of Pharmacy with respect to her licensure.
5. Petitioner shall successfully complete both her TXPRN Contract and new NCPHP treatment and monitoring agreement. To the extent feasible, TXPRN and NCPHP shall coordinate any drug testing of Petitioner to minimize any duplication of Petitioner's drug testing regimen.
6. Petitioner shall advise the Board promptly in writing of any change of address or change in practice status.
7. Petitioner shall not serve as a pharmacist-manager of any pharmacy.
8. Petitioner shall not serve as a preceptor of pharmacy students.
9. Petitioner shall not be employed as a pharmacist more than a number of hours per week deemed clinically appropriate by NCPHP, which shall be no more than the amount of hours per week deemed clinically appropriate by TXPRN.
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. If Petitioner fails to comply with any term or condition of this Order or of any Order of the Texas Board of Pharmacy, she may be subject to additional disciplinary action by the Board.

This the 19th day of January, 2016.

NORTH CAROLINA BOARD OF PHARMACY

By: 

Jack W. Campbell, IV
Executive Director

CERTIFICATE OF SERVICE

I certify that on the 20 day of January, 2016, I served a copy of the Order Reinstating License
With Conditions, upon Tiana J. Witcher, by certified mail, return receipt requested, through her counsel:

Robert O. Crawford III
Crawford & Crawford LLP
6500 Creedmoor Road, Suite 104
Raleigh, North Carolina 27613



Jack W. Campbell, IV
Executive Director