

**STATE OF NORTH CAROLINA  
NORTH CAROLINA BOARD OF PHARMACY**

<b>IN THE MATTER OF</b>	)	
	)	<b>ORDER IMPOSING DISCIPLINE AND</b>
<b>BOBBIE-LEIGH AGEE</b>	)	<b>APPROVING REINSTATEMENT OF</b>
<b>Registration Number 8436</b>	)	<b>REGISTRATION WITH CONDITIONS</b>

THIS MATTER was heard on January 19, 2010, by the North Carolina Board of Pharmacy (the "Board") located at 6015 Farrington Road, Suite 201, Chapel Hill, North Carolina, upon the request of Board staff for discipline to be imposed upon Bobbie-Leigh Agee and upon the request of Agee for reinstatement of her registration as a technician in the State of North Carolina. Board President McLaughlin and Board members Chater, Chesson, Dennis, Haywood and Nelson conducted this hearing. After hearing the testimony of witnesses, adjudging the credibility of the witnesses and receiving evidence offered without objection, the Board makes the following:

**FINDINGS OF FACT**

1. Between February 25, 2003 and April 2, 2009, Bobbie-Leigh Agee was registered to work as a pharmacy technician by the Board and was the holder of registration number 8436.
2. At all times relevant hereto, Agee was employed with Wake Forest University Baptist Medical Center Pharmacy, Permit No. 819, located at Medical Center Boulevard, Winston-Salem, North Carolina.
3. In February 2009, Agee's supervisors had cause to request a drug test under hospital policy.
4. On February 27, 2009, Agee submitted a drug screen to her employer. Agee tested positive for clonazepam (for which she had a prescription) and marijuana metabolites.

5. Upon questioning by her employer and the Board investigator, Agee admitted that she had engaged in the recreational use of marijuana.

6. In addition, for a number of years, Agee took clonazepam for treatment of anxiety. At times, while employed as a pharmacy technician, Agee took as many as 12 milligrams of clonazepam per day.

7. After investigation, on April 2, 2009, Agee voluntarily surrendered her registration for cause.

8. On June 2, 2009, Agee was assessed by Dr. William Bullock of First Charlotte Physicians, upon a referral from the North Carolina Pharmacist Recovery Network ("PRN"). Dr. Bullock found that Agee had suffered from "a significant history of major depression." Dr. Bullock further found that Agee had a "history suggestive . . . of benzodiazepine abuse." Dr. Bullock advised Agee not to consume benzodiazepine in the future. Dr. Bullock concluded, however, that there was no evidence that Agee was dependent upon any controlled substances.

#### CONCLUSIONS OF LAW

1. The evidence demonstrates that Agee violated one or more of the following statutes and rules:

- a. North Carolina General Statutes § 90-85.15A(d)(3), (4) and (5);
- b. North Carolina General Statutes § 90-85.40(f);
- c. North Carolina General Statutes § 90-106; and
- d. North Carolina General Statutes § 90-108.

2. 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 but that Agee has

demonstrated good cause for approval of reinstatement of her technician registration, subject to the conditions set forth in this Order.

WHEREFORE, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

1. Agee's technician registration is hereby INDEFINITELY SUSPENDED as follows:

a. Agee's technician registration is ACTIVELY SUSPENDED for a period of NINE (9) MONTHS, which active suspension shall be considered to have been already served during the period of Agee's voluntary surrender of her license.

b. The remainder of the INDEFINITE SUSPENSION of Agee's technician registration is hereby STAYED for the duration of the full term of a PRN contract (as extended or shortened in the discretion of PRN), upon the following conditions:

i. Execution of, full compliance with and successful completion of a contract with PRN that, in the judgment of PRN, is adequate to assure that Agee can safely assist a pharmacist in preparing and dispensing prescription medications.

ii. Agee shall advise the Board promptly in writing of any change of address or change in practice status.

iii. Agee shall violate no laws governing the practice of pharmacy or the distribution of drugs.

iv. Agee shall violate no rules or regulations of the Board.

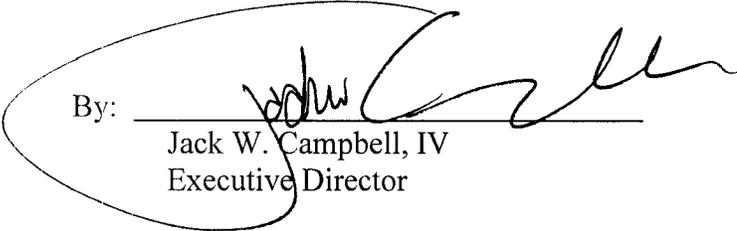
2. Agee is eligible to register as a technician at such time as she submits an application that conforms to the Pharmacy Practice Act and its regulations, if she qualifies for registration at the time of that application.

3. If Agee fails to comply with any terms or conditions of this Order, she shall be subject to additional discipline.

This, the 19<sup>th</sup> day of January, 2010.

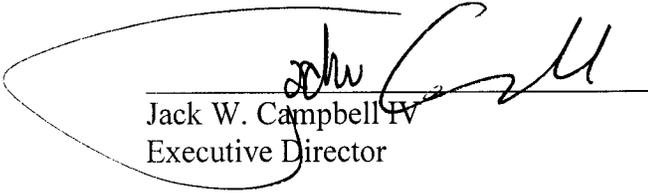
NORTH CAROLINA BOARD OF PHARMACY

By: \_\_\_\_\_

  
Jack W. Campbell, IV  
Executive Director

**CERTIFICATE OF SERVICE**

I certify that on January 20, 2010, I caused a copy of this Order to be served on Bobbie-Leigh Agee by registered mail, return receipt requested.



Jack W. Campbell IV  
Executive Director