

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In The Matter Of:

**Reciprocity Application of
MICHAEL RICHARD BLAIRE**

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**ORDER DENYING
RECIPROCITY**

THIS MATTER came before the North Carolina Board of Pharmacy (“Board”) concerning the application of Michael Richard Blaire (“Petitioner”) to reciprocate a license to practice pharmacy. This matter was heard on May 13, 2014 by the Board located at 6015 Farrington Rd., Suite 201, Chapel Hill, North Carolina, before Board members Minton, Marks, McLaughlin, Chesson, Day, and Mixon. Having heard the evidence presented and assessed the credibility of the testifying witnesses, the Board makes the following:

FINDINGS OF FACT

1. Petitioner holds a license to practice pharmacy in New York, which he seeks to reciprocate to North Carolina.
2. Petitioner also holds a license to practice pharmacy in California. His principal place of practice is Diamondback Drugs in Scottsdale, Arizona.
3. As part of the reciprocity application process, Petitioner submitted a National Association of Boards of Pharmacy Official Application for Transfer of a Pharmacy License (“NABP Application”). Question 2 of the NABP Application’s Professional History section asked: “Has your pharmacist license in any jurisdiction ever been revoked, suspended, restricted, terminated or otherwise been subject to disciplinary action (public or private) by any board of pharmacy or other state authority?” Petitioner’s response to this question was “No.”

4. Petitioner's signature on the NABP application "affirm[ed]" under oath that he had "read the foregoing paragraphs and the information therein is complete, true, and correct. I understand that any false statements made by me in this Application may be punishable by law."

5. Also as part of the reciprocity application process, Petitioner submitted a North Carolina Board of Pharmacy Reciprocity Data Questionnaire. Question 7 on that document asks "Have you at any point in your licensure as a pharmacist been charged by any Board of Pharmacy on matters which could have produced an action on your license? Any and all actions taken against your license must be disclosed regardless of when the action was taken. This includes any pending actions." Petitioner's response to this question was "Yes." Petitioner further stated on the application: "License cited by the State of California for wholesaling medications without a wholesale license. No disciplinary action taken."

6. Petitioner's signature on the application "affirm[ed] that I have answered the foregoing questions, and that my answers are true and correct. I understand that any false information given by me may subject me to refusal to be licensed, disciplinary action by the North Carolina Board of Pharmacy, and/or any license obtained shall be void and of no effect."

7. In April 2013, Petitioner was fined \$5,000 by the California Board of Pharmacy because he was "not in compliance with [California law] which requires a person located outside this state that ships, sells, mails or delivers dangerous drugs or dangerous devices into the state" The California Board found that for a period of three years, Petitioner, "while acting as pharmacist-in-charge of Diamondback Drugs furnished, shipped, mailed or delivered dangerous drugs . . . to several entities (veterinarians, veterinary offices, etc.) located throughout the state of California without obtaining a non-resident wholesaler license in California (approximately 375 invoice transactions)."

8. In 2006, the California Board of Pharmacy issued a fine of \$2,500 to Mr. Blaine stemming from a charge that Mr. Blaine had “falsified an email sent to him by a member of [the California] board” and “reproduced [the falsified email] into a written response to the boards [sic] cease and desist order dated November 23, 2006.” Petitioner testified that he challenged the citation. In August 2007, the Board of Pharmacy dismissed the citation.

9. Petitioner’s answer to Question 7 of the North Carolina Reciprocity Data Questionnaire was false. Petitioner did not disclose the 2006 charge against his license by the California Board of Pharmacy. Moreover, Petitioner stated that “no disciplinary action [was] taken” against him by the California Board of Pharmacy in 2013 even though he was cited and fined \$5,000.

10. Petitioner’s answer to Question 2 of the NABP Application’s Professional History section was false. Petitioner was cited by the California Board of Pharmacy and fined \$5,000.

11. Petitioner offered several explanations for his failure to disclose, completely and accurately, the California Board’s 2006 charge to his license and its 2013 action on his license. The Board finds none of these explanations credible.

12. For instance, Petitioner testified that the California Board’s action was “administrative.” But, as Petitioner conceded, virtually all actions against a pharmacist license are “administrative” in nature. Petitioner testified that he had “no opportunity” to contest the 2013 California action. Yet, Petitioner certainly was aware of the process for contesting a California Board citation, as evidenced by his participation in such a process and that board’s dismissal of Petitioner’s 2006 citation. Moreover, Petitioner conceded that he did have an opportunity to contest the 2013 California citation, but instead chose not to do so. Petitioner testified that he was “currently challenging” the 2013 California citation, but provided no

evidence that any such challenge was underway other than a claim that an attorney was discussing the matter with an unnamed California official. And, in any event, even if such a belated challenge were now underway, it would not change the fact that at the time Petitioner completed his reciprocity application, he supplied answers that were false and misleading.

CONCLUSION OF LAW

Petitioner “made false representations or withheld material information in connection with securing a license or permit.” N.C.G.S. § 90-85.38(a)(1).

IT IS, THEREFORE, ORDERED that Petitioner’s application to reciprocate a license to practice pharmacy to North Carolina is **DENIED**.

This the 13th day of May, 2014.

NORTH CAROLINA BOARD OF PHARMACY

By: _____


Jack W. Campbell IV
Executive Director

CERTIFICATE OF SERVICE

I certify that on May 15th, 2014, I caused a copy of this Order Denying Reciprocity to be served on Petitioner by certified mail, return receipt requested at the following address:

[REDACTED]



Jack W. Campbell IV
Executive Director

cc: Blaire reciprocity file

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