

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In The Matter Of:

Reciprocity Application of)
Jane B. Forbes) **ORDER DENYING**
) **RECIPROCITY**
)
)

THIS MATTER came before the North Carolina Board of Pharmacy (“Board”) concerning the application of Jane B. Forbes (“Petitioner”) to reciprocate a license to practice pharmacy. This matter was heard on January 17, 2012 by the Board located at 6015 Farrington Rd., Suite 201, Chapel Hill, North Carolina. Board members Dennis, Minton, Chater, McLaughlin, Chesson, and Marks heard Petitioner’s request. Having heard the evidence presented and assessed the credibility of the testifying witnesses, the Board makes the following:

FINDINGS OF FACT

1. Petitioner presently hold licenses to practice pharmacy in Alabama, Florida, and Tennessee.
2. On July 17, 2011, Petitioner submitted a North Carolina Board of Pharmacy Reciprocity Data Questionnaire seeking to reciprocate her New York license to practice pharmacy.
3. Question 7 on that questionnaire asks “Have you at any point in your licensure as a pharmacist been charged by any Board of Pharmacy y 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 “No.”

4. Petitioner's signature on the questionnaire "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."

5. On July 17, 2011, Petitioner completed a Reciprocity Candidate Questionnaire and submitted it to the Board. Question 4 on that document asked "Do you have PENDING, or have you EVER been subject to, disciplinary proceedings before any Board of Pharmacy? 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 "No."

6. Petitioner's signature on this questionnaire "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 disciplinary action by the North Carolina Board of Pharmacy."

7. In fact, Petitioner's license to practice pharmacy in Tennessee was disciplined in March 2001 by the Tennessee Board of Pharmacy. Petitioner consented to a final order in which she was found to have "been guilty of dishonorable, immoral, unethical or unprofessional conduct" under Tennessee Code Annotated § 63-10-505(6) and Tennessee Board Rule 1140-8-01. Petitioner was issued a letter of reprimand, fined \$500.00, and ordered to write and transmit an apology to the complainant.

10. Accordingly, Petitioner's answers on the North Carolina questionnaires were false.

11. Petitioner offered mitigating testimony concerning personal and family hardships occurring around the time of her reciprocity application.

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**.

Petitioner may make a new application to reciprocate a license to North Carolina no earlier than six (6) months from the date of this Order.

This Order contains no promise or guarantee, express or implied, that any subsequent application will be approved. Any subsequent application will be assessed, when received, for compliance with North Carolina law, including complete and full disclosure of all information sought in the application materials.

This the 17th day of January, 2012.

NORTH CAROLINA BOARD OF PHARMACY

By: _____


Jack W. Campbell IV
Executive Director

CERTIFICATE OF SERVICE

I certify that on January 18, 2012, I caused a copy of this Order Denying Reciprocity to be served on Jane B. Forbes by certified mail, return receipt requested at the following address:

[REDACTED]



Jack W. Campbell IV
Executive Director

cc: Forbes reciprocity file

Andrew Holt, Executive Director, Tennessee Board of Pharmacy
227 French Landing
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