

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In Re:

**Douglas D. London
(License No. 14088)**

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**ORDER REINSTATING LICENSE
WITH CONDITIONS**

THIS MATTER was heard on July 20, 2010, by the North Carolina Board of Pharmacy (“Board”) located at 6015 Farrington Road, Suite 201, Chapel Hill, North Carolina, upon the request of Douglas D. London (“Petitioner”) for reinstatement of his license to practice pharmacy in the state of North Carolina. Board members Chater, McLaughlin, Minton, and Marks conducted this hearing. After hearing the testimony of witnesses, adjudging the credibility of the witnesses, and receiving evidence, the Board makes the following:

FINDINGS OF FACT

1. At relevant times, Petitioner was licensed to practice pharmacy by the Board and was the holder of license number 14088.
2. In September 30, 2009, Board staff received a report from North Carolina Pharmacist Recovery Network (“NCPRN”) that Petitioner, at the time an anonymous self-report to NCPRN, was non-compliant with his treatment and monitoring obligations.
3. Petitioner self-reported to NCPRN for an alcohol substance abuse problem in July 2009. He completed a 90-day residential substance abuse course of treatment at the Pavillon Center.

4. After discharge from the Pavillon Center, Petitioner was prohibited – unless approved by NCPRN – from being present in a pharmacy, except as a patient receiving pharmacy services pursuant to a prescription.
5. Petitioner nonetheless began to perform various business and administrative tasks at Etowah Pharmacy, which Petitioner owns. While present in Etowah Pharmacy, Petitioner diverted gapapentin from the pharmacy area for personal use.
6. Petitioner surrendered his license to practice pharmacy on October 5, 2009.
7. Following Petitioner’s surrender, he hired a pharmacist-manager to be responsible for all pharmacy operations at Etowah Pharmacy.
8. Petitioner then requested that the Board amend the terms of his surrender to grant him access to Etowah Pharmacy for purposes of handling non-pharmacy administrative tasks. The Board denied the request on January 19, 2010.
9. After Petitioner’s license surrender, he engaged in more intensive monitoring and treatment pursuant to his NCPRN obligations. Petitioner’s course of treatment and monitoring includes frequent group and individual counseling, work with a sponsor, and random drug screens.
10. Petitioner’s counselor, Jeff Gillease, provided a letter stating that Petitioner is a “good candidate for return to work based on his clinical progress.”
11. Cindy Sugg, Petitioner’s case manager at NCPRN, testified that Petitioner has been compliant with his treatment and monitoring obligations since October 2009, that random drug screening has produced no positive results for prohibited substances, and, with appropriate conditions, advocates for Petitioner’s return to practice.

12. Petitioner testified that his non-compliance issues in 2009 stemmed from a failure at that time to fully appreciate and accept his substance abuse problems and the need for intensive treatment and monitoring. Petitioner testified that in the ensuing months, he has developed the appropriate acceptance and appreciation.
13. Petitioner provided the Board with an agreement between himself and all employees of Etowah Pharmacy stating, among other things, a promise that any employee or agent of Etowah Pharmacy who reported any suspected continued substance abuse problems to NCPRN or the Board would face no adverse consequences in their employment or conditions of employment. The agreement was signed by Petitioner and six of the eight current employees (two of the employees being on vacation when the agreement was presented).

CONCLUSIONS OF LAW

Petitioner has demonstrated that he has been in a period of successful recovery and compliance with his NCPRN contract. The Board, in its discretion, concludes that Petitioner can safely resume the practice of pharmacy.

IT IS THEREFORE ORDERED that Petitioner's license to practice pharmacy is REINSTATED, subject to the following conditions:

1. Petitioner shall successfully complete the term and conditions of his NCPRN contract.
2. Petitioner shall advise the Board promptly in writing of any change of address or change in practice status.
3. Petitioner shall obtain prior approval of all employment as a pharmacist from the Board's Executive Director.

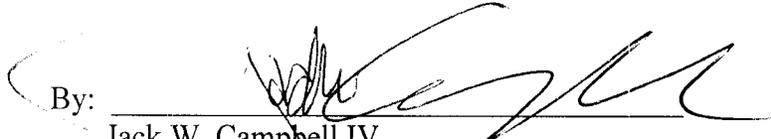
4. Petitioner shall not serve as pharmacist manager of any pharmacy.
5. Petitioner shall not serve as a preceptor of pharmacy students.
6. Petitioner may not be employed as a pharmacist or engage in any work in a pharmacy for more than 30 hours per week. This limitation may, at any time, be extended at the discretion of NCPRN.
7. Petitioner shall share with all current and future employees of Etowah Pharmacy the agreement referenced in paragraph 12 of the Findings of Fact. Petitioner shall obtain the signature of all current and future employees of Etowah Pharmacy on that agreement. Petitioner shall abide by the terms of that agreement.
8. Petitioner shall not be present in Etowah Pharmacy, or any other pharmacy at which he may be employed in the future, alone at any time.
9. Petitioner shall not be assigned a code to deactivate the alarm systems at Etowah Pharmacy.
10. The Board's Executive Director shall communicate the terms of this order to the current pharmacist manager of Etowah Pharmacy and to any future pharmacist-manager at Etowah Pharmacy or other pharmacy at which Petitioner may be employed in the future.
11. Petitioner shall be subject to unannounced drug screens to be performed at his expense by the Board or its agents, and shall supply urine, blood, hair, nail, or any other bodily fluid or tissue sample required for the screening. Results of the screening shall not disclose the presence of any controlled substance, prescription drug, or alcohol that was not previously prescribed

for Petitioner by a practitioner acting in the normal course of medical treatment of Petitioner.

12. Petitioner shall authorize NCPRN, and any treating physician or other health-care provider to release Petitioner's medical records to the Board.
13. Petitioner shall complete and submit the Board's Application to Reinstate a Pharmacy License and submit the appropriate fee.
14. Petitioner shall provide documentation to the Board's Executive Director that he has completed sufficient continuing education hours to renew his license for 2010.
15. Petitioner shall violate no laws governing the practice of pharmacy or the distribution of drugs.
16. Petitioner shall violate no rules or regulations of the Board.
17. If Petitioner fails to comply with any terms or conditions of this Order, Petitioner may be subject to additional disciplinary action by the Board.
18. The Board admonishes Petitioner that his failure to comply with the terms of this order or the statutes and rules governing the practice of pharmacy will raise substantial questions about his ability not only to practice pharmacy himself, but to own or oversee a permitted pharmacy.

This is the 20th day of July, 2010.

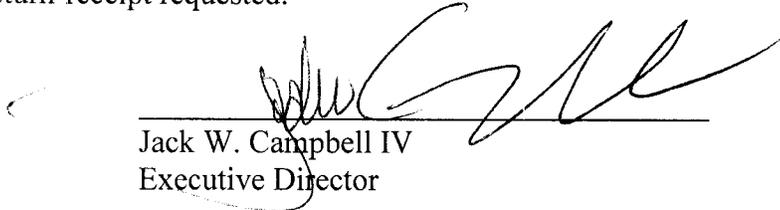
NORTH CAROLINA BOARD OF PHARMACY

By: 

Jack W. Campbell IV
Executive Director

CERTIFICATE OF SERVICE

I certify that on July 21, 2010, I caused a copy of this Order Reinstating License to be served on Petitioner by registered mail, return-receipt requested.



Jack W. Campbell IV
Executive Director

cc: London License File
Cindy Sugg, North Carolina Pharmacist Recovery Network