

**BEFORE THE NORTH CAROLINA BOARD OF PHARMACY**

In Re: )  
)  
) **AMENDED CONSENT ORDER**  
) **REINSTATING LICENSE WITH**  
) **CONDITIONS**  
)

THIS MATTER came on to be considered at a prehearing conference (hereinafter, "Conference") before a member of the North Carolina Board of Pharmacy (hereinafter, "Board") pursuant to 21 N.C.A.C. 46.2008. This Conference was scheduled for March 8, 2010 and, after appropriate notice, was heard on that day by Board member Rebecca Chater at the offices of the Board. Karen L. McKissick (hereinafter, "McKissick") was present and was represented by Counsel James A. Wilson. Counsel Clinton R. Pinyan represented the Board. Members of the Board's investigative staff and other Board counsel were also present at the Conference.

McKissick has agreed to waive a formal hearing in the above-referenced matter. Both parties stipulate and agree to the findings of fact and conclusions of law recited herein and to the order imposed. By her consent, McKissick also stipulates that she waives her right to appeal this Consent Order or challenge in any way the sufficiency of the findings of this Order. Based upon the consent of the parties, the Board hereby enters the following:

**FINDINGS OF FACT**

1. In March 1998, McKissick was licensed to practice pharmacy by the Board and became the holder of license number 14265.
2. Since 2003, McKissick has suffered from a disabling condition. On several instances since 2003, McKissick's condition was not treated sufficiently to render her fit to practice pharmacy with reasonable skill, competence and safety to the public.

3. On February 17, 2009, because of valid concerns about McKissick's fitness to practice pharmacy with reasonable skill, competence and safety to the public, the Board summarily suspended McKissick's license to practice pharmacy.

4. After the Board's summary suspension, under the care of her current physicians, McKissick has developed a treatment program that, according to those physicians, will allow her to return to the practice of pharmacy with reasonable skill, competence and safety to the public.

5. Based upon the recommendation of McKissick's physicians, the Board finds that McKissick is fit to practice pharmacy with reasonable skill, competence and safety to the public, so long as she follows the treatment program of those physicians.

6. The parties agree that it is appropriate for the Board to incorporate into this Consent Order certain conditions to assure that McKissick will continue to practice only if she remains fit to practice pharmacy with reasonable skill, competence and safety to the public.

#### **CONCLUSIONS OF LAW**

McKissick has demonstrated that she has maintained a period of successful treatment. The Board, in its discretion, concludes that McKissick can safely resume the practice of pharmacy under the conditions set forth in this Consent Order.

IT IS THEREFORE ORDERED that McKissick's license to practice pharmacy shall be REINSTATED on the condition that McKissick fully complies with all of the following conditions:

1. McKissick shall remain in treatment with Dr. James Smith III of Carolina Partners in Mental Healthcare. In the event that McKissick wishes to change treating

psychiatrists, she must receive advance approval to do so in writing from the Board's Executive Director.

2. Before return of her license, McKissick shall commence a treatment program set forth in writing by Dr. Smith and that written treatment program must be provided to the Board's Executive Director. Dr. Smith or any approved successor may change the treatment program, in his discretion, but must provide contemporaneous written notice to the Board's Executive Director of any changes to the treatment program. That treatment program must include blood testing sufficient in the judgment of the treating psychiatrist to monitor McKissick's condition and must set forth the parameters of testing levels from which McKissick may not deviate before she will be judged to be in non-compliance with her treatment program. This treatment program may include restrictions on the conditions of McKissick's practice that her treating psychiatrist, in his discretion, believes are appropriate to allow McKissick to practice pharmacy with reasonable skill, competence and safety to the public. Those restrictions on her practice may include, but are not limited to, restrictions on the number of hours worked and number of prescriptions that she may fill, on average.

3. McKissick shall meet and shall continue to meet all requirements for being in the "AMSRE Stable Recovery Population."

4. McKissick shall authorize her treating psychiatrists, therapists and any other treating physician or other health-care provider to release McKissick's records to the Board. McKissick shall further authorize and direct those persons to immediately report any violations of this Board order, including but not limited to (a) termination of her relationship with her treating psychiatrist without approval of the Board's Executive Director, (b) non-compliance with any written treatment program provided to the Board's Executive Director, (c) and failure to

continue to meet all requirements for being in the "AMSRE Stable Recovery Population," including but not limited to any need for crisis services or hospitalization related to mental illness, substance abuse or developmental disabilities, being homeless or evicted or forced to move, or being engaged in activities that result in arrest by law enforcement. By signing this Consent Order, Dr. Smith understands and agrees to report and any all non-compliance with the Board's Order to the Board's Executive Director within five (5) days of knowledge of that non-compliance.

5. McKissick shall advise the Board promptly in writing of any change of address or change in practice status.

6. McKissick shall obtain prior approval of all employment as a pharmacist from the Board's Executive Director.

7. McKissick shall not serve as a pharmacist manager of any pharmacy.

8. McKissick shall not serve as a preceptor of pharmacy students.

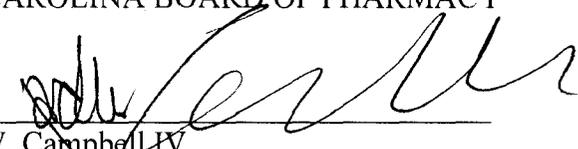
9. McKissick shall violate no laws governing the practice of pharmacy or the distribution of drugs.

10. McKissick shall violate no rules or regulations of the Board.

11. If McKissick fails to comply with any terms or conditions of this Order, she agrees to voluntarily surrender her license immediately.

Nunc pro tunc, the 9<sup>th</sup> day of March, 2010.

NORTH CAROLINA BOARD OF PHARMACY

By: 

Jack W. Campbell IV  
Executive Director

Karen L. McKissick, the holder of license number 14265, has full knowledge that she has the right to a formal hearing, at which she would have the right to be represented at her expense by counsel, in this matter. The undersigned freely, knowingly and voluntarily waives such right by entering into this Consent Order.

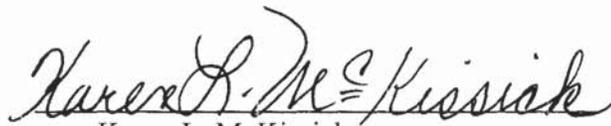
The undersigned understands and agrees that by entering into this Consent Order, she certifies that she has read the foregoing Consent Order and that she voluntarily consents to the terms and conditions set forth therein and relinquishes any right to judicial review of Board actions which may be taken concerning this matter.

The undersigned further understands that should she violate the terms and conditions of this Consent Order, the Board may take additional disciplinary action.

The undersigned understands and agrees that this Consent Order will not become effective unless and until approved by the Board.

The undersigned understands that she has the right to have counsel of his choice review and advise her with respect to her rights and this Consent Order, and represents that she enters this Consent Order after consultation with his counsel or after knowingly and voluntarily choosing not to consult with counsel.

CONSENTED TO BY:

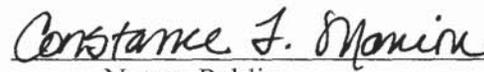
 Date: 3/8/10  
Karen L. McKissick  
(License No. 14265)

NORTH CAROLINA

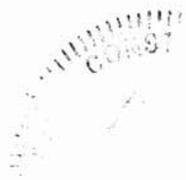
Durham COUNTY

I, the undersigned Notary Public of the County and State aforesaid, do hereby certify that the following person(s) personally appeared before me this day, and each acknowledged the due execution of the foregoing document: Karen L. McKissick

Date: 3/8/2010

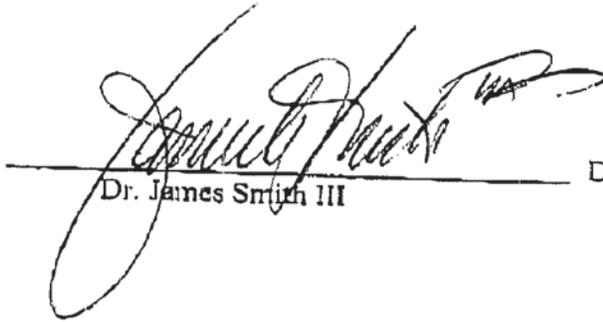
  
Notary Public  
CONSTANCE T. MANION

My commission expires: 9/13/2012



Dr. James Smith III understands that this Consent Order, if approved by the Board of Pharmacy, will require him to provide certain treatment programs and records to the Board. Dr. Smith further agrees to report and any all non-compliance with his written treatment program or the Board's Order to the Board's Executive Director within five (5) days of knowledge of that non-compliance.

CONSENTED TO BY:

  
\_\_\_\_\_  
Dr. James Smith III

Date 3/5/10