

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In The Matter Of:

**Cheryl Ann Ryan
(License No. 12745)**

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ORDER REINSTATING LICENSE

THIS MATTER came on for hearing upon request of Cheryl Ann Ryan (Petitioner) for reinstatement of her license to practice pharmacy in North Carolina. Petitioner's request was heard on November 15, 2005, by the North Carolina Board of Pharmacy located at 6015 Farrington Rd., Suite 201, Chapel Hill, North Carolina. Consideration of the Petitioner's request was heard based upon records in this proceeding, and the testimony and other materials of record presented at the hearing, the Board makes the following:

FINDINGS OF FACT

1. Petitioner was licensed on September 20, 1994, to practice pharmacy by the North Carolina Board of Pharmacy and was the holder of license number 12745.
2. On January 28, 2005, director of Food Lion Pharmacy Mr. John Bednarz also parent company to Bloom Pharmacy, Charlotte North Carolina notified North Carolina Board of Pharmacy (Board) via telephone that Petitioner was terminated from employment with Bloom pharmacy as a pharmacist.

3. Based on that report from Mr. Bednarz, Board Investigator Ken Wilkins was assigned to the case and conducted an interview with Bloom Pharmacist Manager Raymond Paul Lambert. Mr. Lambert became suspicious after finding open products and furnished a written report to Food Lion's loss prevention department. After installation of a video camera in Bloom's Pharmacy Petitioner was caught on video for allegedly filling fraudulent prescriptions.
4. Investigator Wilkins conducted an audit of controlled substances at the Pharmacy and found significant shortages in most of the products audited. Specific to the Phentermine, he found that were 4-phentermine prescriptions for patient Patsy Overcash and her treating physician denied authorizing all four prescriptions.
5. Investigator Wilkins collected a urine specimen from Petitioner on the date of interview and the results were negative.
6. On January 31, 2005, Petitioner voluntarily surrendered her license to Investigator Wilkins and ceased practicing pharmacy based upon her obtaining, consuming and dispensing legend prescription drugs and controlled substances without authorization and in violation of State and Federal statutes and regulations.
7. Petitioner was admitted to Talbott Recovery Campus in Atlanta, Georgia for treatment from February 21, 2005 to May 20, 2005.
8. On May 20, 2005 Petitioner signed a five-year Pharmacist Recovery Network contract.
9. On July 19, 2005, Felony charges for Embezzling Controlled Substances were deferred for a period of 24 months upon compliance of all terms set forth in the Deferred Prosecution Order of August 12, 2005.

CONCLUSION OF LAW

Petitioner has demonstrated that she has been in a period of successful recovery and compliance with her N.C. Pharmacist Recovery Network contract. The North Carolina Board of Pharmacy, in its discretion, concludes that Petitioner can safely resume the practice of pharmacy, subject to the conditions set forth below.

IT IS, THEREFORE, ORDERED that Petitioner's license to practice pharmacy shall be reinstated subject to the following conditions:

1. Petitioner shall successfully complete her PRN contract.
2. Petitioner shall obtain prior approval of all employment as a pharmacist from the Board's Executive Director.
3. Petitioner shall advise the Board promptly in writing of any change of addresses or change in practice status.
4. Petitioner shall not serve as pharmacist manager of any pharmacy.
5. Petitioner shall not serve as a preceptor of pharmacy interns or resident students.
6. Petitioner may not be employed as a pharmacist in excess of 40 hours per week, on the average.
7. Petitioner shall be subject to unannounced drug screens to be performed at her 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 substances, prescription drug, or alcohol, which was not previously prescribed for Petitioner by a practitioner acting in the normal course of medical treatment of Petitioner and approved by PRN staff.

8. Petitioner shall successfully complete the terms of her agreement for Deferred Prosecution.
9. Petitioner shall violate no laws governing the practice of pharmacy or the distribution of drugs.
10. Petitioner shall violate no rules of the Board.
11. If Petitioner fails to comply with any terms or conditions of the Order, Petitioner may be subject to additional disciplinary actions by the Board.

This the 15th day of November, 2005.

NORTH CAROLINA BOARD OF PHARMACY



By: _____
David R. Work
Executive Director