

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In Re:

**JUNE KELLI BARKER
(License No. 12966)**

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**ORDER DENYING PETITION TO
MODIFY REINSTATEMENT ORDER**

THIS MATTER was heard on April 19, 2016, by the North Carolina Board of Pharmacy (“Board”) located at 6015 Farrington Road, Suite 201, Chapel Hill, North Carolina, upon the request of June Kelli Barker (“Petitioner”) to modify an order reinstating her license to practice pharmacy with conditions. Board members Mixon, Day, McLaughlin, Minton, Graves, and Haywood heard this matter. After hearing the testimony of witnesses, adjudging the credibility of the witnesses, and receiving evidence, the Board makes the following:

FINDINGS OF FACT

1. Petitioner holds North Carolina license to practice pharmacy number 12966.
2. On June 19, 2002, the Board of Pharmacy summarily suspended Petitioner’s license to practice pharmacy. The suspension stemmed from an immediate threat to the public health and safety caused by Petitioner’s substance abuse and diversion of controlled substances from her then place of practice.
3. On June 17, 2003, the Board of Pharmacy reinstated Ms. Barker’s license to practice with conditions (the 2003 Order). Among those conditions, which were not limited as to time, was that Petitioner not act as a pharmacist manager.
4. On October 14, 2005, following a pre-hearing conference, the Board of Pharmacy issued Petitioner a Letter of Concern after finding that Petitioner had not complied

with her North Carolina Pharmacist Recovery Network (“NCPRN”) treatment and monitoring obligations.

5. In late 2006, Board of Pharmacy staff was alerted that NCPRN has ceased advocating from Petitioner and that she had been terminated from the program for non-compliance. After a lengthy series of communications, Petitioner ultimately underwent another evaluation for potential substance abuse relapse. That evaluation did not find a relapse, but did note a “concern” with a “long-standing and serious” history of non-compliance with NCPRN. Petitioner resumed participation in NCPRN afterward.
6. On October 18, 2011, the Board approved a consent order of discipline against Petitioner, this time stemming from her creating fraudulent patient profiles and using those profiles to dispense medications to herself (the “2011 Order”). Furthermore, the Board found that Petitioner had both created and added refills to prescriptions for herself. These prescriptions were for prescription drugs, but not controlled substances. The 2011 Order imposed discipline on Petitioner’s license and specifically noted that such discipline was “in addition to, and does not replace, the terms of the Order Reinstating License, dated June 17, 2003.”
7. Petitioner requests that the Board modify the 2003 Order and lift the provision that bars her from acting as a pharmacist manager.

CONCLUSIONS OF LAW

Under North Carolina law, a pharmacist manager is “[t]he person who accepts responsibility for the operation of a pharmacy in conformance with all statutes and rules

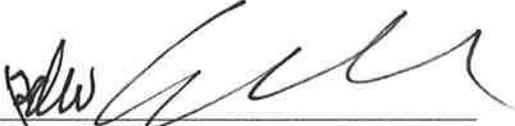
pertinent to the practice of pharmacy and distribution of drugs by signing the permit application, its renewal or addenda thereto.” 21 NCAC 46.1317(27).

The Board concludes that Petitioner has not met her burden to prove that a modification of the 2003 Order to lift the pharmacist manager restriction is consistent with the protection of the public health and safety.

IT IS THEREFORE ORDERED that Petitioner’s request to modify the 2003 Order is **DENIED**.

This is the 19th day of April, 2016.

NORTH CAROLINA BOARD OF PHARMACY

By: 

Jack W. Campbell IV
Executive Director

CERTIFICATE OF SERVICE

I certify that on April ~~20~~, 2016, I caused a copy of this Order Denying Petition to Modify Reinstatement Order to be served on Petitioner by registered mail, return-receipt requested:

[REDACTED]
[REDACTED] 28338



Jack W. Campbell IV
Executive Director

cc: Barker License File