BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In Re:

GENNY MARIE BREWER (License No. 16013)

ORDER REINSTATING LICENSE WITH CONDITIONS

THIS MATTER was heard on July 19, 2011, by the North Carolina Board of Pharmacy (“Board”) located at 6015 Farrington Road, Suite 201, Chapel Hill, North Carolina, upon the request of Genny Marie Brewer (“Petitioner”) for reinstatement of her license to practice pharmacy. Board members Dennis, Minton, Chater, McLaughlin, Chesson, and Marks 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 formerly held North Carolina license to practice pharmacy number 16013.

2. On March 2, 2009, Board staff received a report that Petitioner, while practicing pharmacy, was suspected of creating fraudulent prescriptions for hydrocodone/APAP products (Schedule III controlled substances) and diverting the products for personal use.

3. Petitioner admitted to Board investigative staff that she had, in fact, created a number of fraudulent prescriptions for Schedule III controlled substances and diverted the products for personal use.

4. Petitioner testified, and the evidence confirms, that she created these prescriptions using her father’s name and two fictitious names. Petitioner testified that she did
not divert prescription drugs legitimately prescribed for patients or otherwise cause any patient to not receive legitimately prescribed drug therapy. No evidence of record contradicts this testimony.

5. Petitioner voluntarily contacted North Carolina Pharmacist Recover Network (“NCPRN”) in February 2009, believing that she had developed a substance abuse problem.

6. After Petitioner’s diversion was discovered, she immediately entered an intensive, 100-day inpatient substance abuse treatment program.

7. Upon her completion of inpatient treatment, Petitioner voluntarily surrendered her license to practice of pharmacy on July 1, 2009.

8. Since her completion of inpatient treatment, Petitioner has been substantially compliant with all counseling, treatment and monitoring obligations of her NCPRN agreement. NCPRN testified to three minor non-compliance issues occurring months ago, which, after investigation, NCPRN deemed to not clinically significant.

9. NCPRN advocates for Petitioner’s return to the practice of pharmacy with appropriate conditions.

10. As a result of her diversion, Petitioner entered into a deferred prosecution agreement to resolve a felony possession of a controlled substance charge. Upon successful completion of the terms of the deferral agreement, all charges against Petitioner were dismissed in February 2011.
CONCLUSIONS OF LAW

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

IT IS THEREFORE ORDERED that Petitioner’s license to practice pharmacy is REINSTATED, SUBJECT TO THE FOLLOWING CONDITIONS:

1. Petitioner shall successfully complete her NCPRN contract, which shall be renewed to extend five (5) years from the date of this Order.

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 NCPRN.

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 more than 30 hours per week, on the average. This limitation may be extended at the discretion of NCPRN.

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.

8. Petitioner shall authorize NCPRN and any treating physician or other health care provider to release Petitioner’s medical records to the Board.

9. Prior to the commencement of the practice of pharmacy, Petitioner shall submit documentation of his current continuing education hours to the Board’s Executive Director. These hours shall total thirty (30), with sixteen (16) being live or contact hours.

10. Prior to the commencement of the practice of pharmacy, Petitioner shall complete a Board of Pharmacy Application to Reinstate a Pharmacist License and pay the applicable fee.

11. Petitioner shall violate no laws governing the practice of pharmacy or the distribution of drugs.

12. Petitioner shall violate no rules or regulations of the Board.

10. If Petitioner fails to comply with any term or condition of this Order, Petitioner may be subject to additional disciplinary action by the Board.

This is the 19th day of July, 2011.

NORTH CAROLINA BOARD OF PHARMACY

By: [Signature]

Jack W. Campbell IV
Executive Director
CERTIFICATE OF SERVICE

I certify that on July 22, 2011, I caused a copy of this Order Reinstating License With Conditions to be served on Petitioner by registered mail, return-receipt requested:

cc: Brewer License File, #16103
Mary Christine Parks, North Carolina Pharmacist Recovery Network
1011 Pemberton Hill Road
Suite 202
Apex, NC 27502-4266