

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In Re:

**KIMBERLY HEATH
(License No. 14409)**

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**ORDER REINSTATING LICENSE
WITH CONDITIONS**

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 Kimberly Heath (“Petitioner”) for reinstatement of her license to practice pharmacy. 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 formerly held North Carolina license to practice pharmacy number 14409.
2. On July 31, 2014, Board staff received a drug disaster and loss report indicating suspicion that Petitioner was diverting oxycodone products for personal use from her then-place of practice, Hospital Pharmacy in Washington, NC.
3. Petitioner admitted to the diversion. On August 6, 2014, Petitioner voluntary surrendered her license to practice pharmacy.
4. Shortly after her surrender, Petitioner reported for a twelve-week inpatient stay at substance use disorder treatment center. She completed the program successfully.

5. Petitioner then entered into a treatment and monitoring contract with North Carolina Pharmacist Recovery Network, which has since been migrated to the North Carolina Physicians Health Program (“NCPHP”).
6. NCPHP reports that Petitioner has been compliant with her treatment and monitoring obligations, that she is in good recovery from her substance use disorder, and that her prognosis is good. NCPHP advises that, from a clinical standpoint, Petitioner is safe to resume the practice of pharmacy with appropriate conditions.
7. Petitioner was charged criminally as a result of her diversion. As part of a deferred prosecution agreement, she entered a conditional plea of guilty to one felony count of obtaining controlled substances by fraud. She successfully completed the terms of the deferred prosecution in February 2016, and the charge was dismissed.

CONCLUSIONS OF LAW

The Board, in its discretion, concludes that Petitioner can safely resume the practice of pharmacy under the conditions stated below.

IT IS THEREFORE ORDERED that Petitioner’s license to practice pharmacy is **ELIGIBLE FOR REINSTATEMENT EFFECTIVE AUGUST 1, 2016, SUBJECT TO THE FOLLOWING CONDITIONS:**

1. As a condition precedent to reinstating her license, Petitioner shall take and pass the Multistate Pharmacy Jurisprudence Examination.

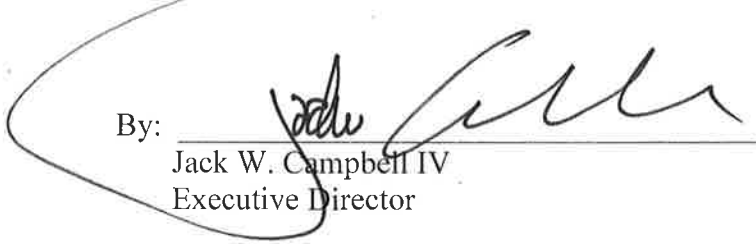
2. Petitioner shall complete an Application to Reinstate a Lapsed or Inactive License and pay the appropriate fee.
3. As part of the Application to Reinstate a Lapsed or Inactive License, Petitioner shall provide proof that she has obtained thirty (30) hours of continuing education, sixteen (16) of which must be live or contact hours. These hours represent the continuing education obligation Petitioner would have been required to meet to renew her pharmacy license for 2015 and 2016.
4. Petitioner shall successfully her NCPHP treatment and monitoring agreement, which shall be extended to five (5) years from the date of reinstatement of license.
5. Petitioner shall obtain prior approval of all employment as a pharmacist from NCPHP.
6. Petitioner may not be employed as a pharmacist more a number of hours per week approved by NCHPH, but in no case may Petitioner be employed as a pharmacist more than forty (40) hours per week, on the average.
7. Petitioner shall disclose to any potential employer the deferred prosecution agreement to the charge of felony obtaining controlled substance by fraud prior to accepting employment as a pharmacist. This obligation shall terminate if and at such time Petitioner were to obtain an order of expunction regarding that charge.
8. Petitioner may not serve as a pharmacist-manager.

9. Petitioner may not serve as a preceptor of pharmacy students.
10. 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.
11. Petitioner shall authorize NCPHP and any treating physician or other health care provider to release Petitioner's medical records to the Board.
12. Petitioner shall violate no laws governing the practice of pharmacy or the distribution of drugs.
13. Petitioner shall violate no rules or regulations of the Board.
14. 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 April, 2016.

NORTH CAROLINA BOARD OF PHARMACY

By: _____


Jack W. Campbell IV
Executive Director

CERTIFICATE OF SERVICE

I certify that on April 21, 2016, I caused a copy of this Order Reinstating License With Conditions to be served on Petitioner by registered mail, return-receipt requested:

[REDACTED]



Jack W. Campbell IV
Executive Director

cc: Heath License File

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