

STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY

IN THE MATTER OF)
) **CONSENT ORDER**
WILLIAM STUART ISENSTEIN)
License No. 18711)

This matter came on for consideration by the North Carolina Board of Pharmacy at its meeting of November 20, 2007. Respondent Isenstein waived all notice requirements for the hearing.

FINDINGS OF FACT

The Board makes the following findings of fact:

1. On January 17, 2007, Respondent William Isenstein was licensed by the Board to practice pharmacy as license number 18711. Respondent Isenstein was granted a license by reciprocity with the State of Maryland, where he had been licensed since 1981.
2. As part of his application for admission by reciprocity, on December 29, 2006, Respondent Isenstein completed a National Association of Boards of Pharmacy Official Application for Transfer of Pharmaceutic Licensure ("NABP Application").
3. The NABP Application asked: "Are you presently or have you within the past five years participated in a chemical substance abuse program?" In a sworn response, Respondent Isenstein answered "No."
4. As part of his application for admission by reciprocity, on January 17, 2007, Respondent Isenstein completed a form headed "Questions Asked to Reciprocity Candidates by the North Carolina Board of Pharmacy" ("Reciprocity Questionnaire").

5. The Reciprocity Questionnaire asked: "Have you ever been, or are you now, addicted to the use of alcoholic, hallucinogenic, narcotic, or central nervous system stimulant or depressant drugs?" Respondent Isenstein checked the answer "No."

6. Respondent Isenstein's statements were false.

7. Respondent Isenstein knew that the North Carolina Board of Pharmacy would rely upon his false answers in granting his license, and the North Carolina Board of Pharmacy did in fact rely upon his false answers in granting his license.

8. On or about January 12, 2007 – after Respondent Isenstein had already submitted his false statements on the NABP Application but before he submitted his false statements on the Reciprocity Questionnaire – a representative of the North Carolina Pharmacist Recovery Network ("NCPRN") advised Respondent Isenstein that it was the NCPRN representative's personal view that Respondent Isenstein did not need to disclose his addiction or his prior treatment. This advice was patently incorrect and it was unreasonable for Respondent Isenstein to rely upon it. This advice further was made only after Respondent Isenstein had already provided false statements on his NABP Application. However, the Board finds that Respondent Isenstein did, in fact, rely upon this erroneous advice in submitting his response to the Reciprocity Questionnaire and treats that as a mitigating factor.

9. Respondent Isenstein's North Carolina license was summarily suspended by an order of the North Carolina Board of Pharmacy entered on June 19, 2007.

10. Respondent Isenstein has expressed a desire not to continue with the practice of pharmacy in North Carolina and has agreed to voluntarily surrender his license. Accordingly, the Board makes no findings regarding whether Respondent Isenstein is or was at any time since on or about January 17, 2007, fit to practice pharmacy with reasonable skill, competence and safety to the public.

CONCLUSIONS OF LAW

Based upon the above findings of fact, the Board concludes as a matter of law:

1. Respondent Isenstein violated N.C. Gen. Stat. § 90-85.38(a)(1).
2. Respondent Isenstein admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on his license under N.C. Gen. Stat. § 90-85.38.

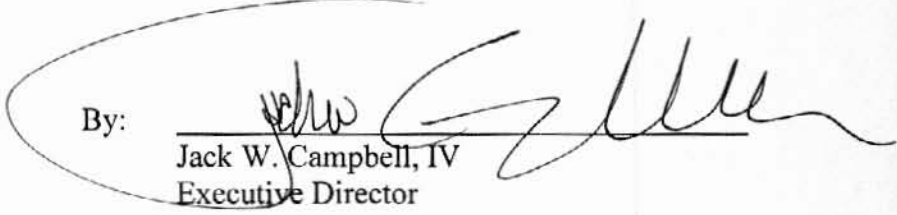
Based on the foregoing, and with the consent of the parties, IT IS THEREFORE ORDERED and AGREED that:

1. Respondent Isenstein's license to practice pharmacy is suspended for a period of one hundred and fifty (150) days, which suspension shall be treated as having been served during the period in which Respondent Isenstein's license was summarily suspended.
2. Respondent Isenstein hereby voluntarily surrenders his North Carolina license to practice pharmacy.

This the 20th day of November, 2007.

NORTH CAROLINA BOARD OF PHARMACY

By:



Jack W. Campbell, IV
Executive Director

William Stuart Isenstein, the holder of license number 18711, has full knowledge that he has the right to a hearing, where he would have the right to be represented 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, he certifies that he has read the foregoing Consent Order and that he 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 he 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 he has the right to have counsel of his choice review and advise him with respect to his rights and this Consent Order, and represents that he enters this Consent Order after consultation with his counsel.

CONSENTED TO BY:

William Stuart Isenstein 11/2/07
William Stuart Isenstein Date
License No. 18711

Sworn to and subscribed before me
this the 20th day of November, 2007.

Constance J. Manion
Notary Public Signature

Constance T. Manion
Notary Public Printed Name

My Commission Expires: 9-3-2012

