

**BEFORE THE NORTH CAROLINA BOARD OF PHARMACY**

**In Re:**

**Kelly Long  
(License No. 13493)**

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**ORDER REINSTATING LICENSE  
WITH CONDITIONS**

**THIS MATTER** was heard on October 16, 2007, by the North Carolina Board of Pharmacy ("Board") located at 6015 Farrington Road, Suite 201, Chapel Hill, North Carolina, upon the request of Kelly Long ("Petitioner") for reinstatement of her license to practice pharmacy in the state of North Carolina. Board members Nelson, Chesson, Chater, Dennis, Haywood, and McLaughlin conducted this hearing. 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 was licensed to practice pharmacy by the Board and held license number 13493.
2. On February 16, 2007, the Board of Pharmacy received a complaint that Petitioner had diverted morphine from her employer, Rx Services (Permit No. 08348).
3. Board Investigator Krystal Brashears responded to the complaint, investigated this matter, and prepared a report of her findings. The Board has reviewed that report. Petitioner stipulated to the accuracy of the report.
4. Petitioner admitted to taking ten (10) vials of 10mg/ml morphine, a Schedule II controlled substance, for personal use.

5. Petitioner admitted to tampering with a vial of 50 mg/ml morphine. Petitioner removed morphine from the vial, replaced the removed volume with water, and returned the vial to the pharmacy stock. There is no evidence that any patient of the pharmacy received a subpotent dose of morphine as a result of this activity, but Petitioner admits that a patient could have received a subpotent dose of morphine had her diversion activity continued.
6. Petitioner admitted to removing morphine from returned patient controlled analgesia cassettes, replacing the removed volume with water, and then discarding the cassettes.
7. On February 7, 2007, Petitioner entered an in-patient substance abuse treatment program at Pavilion Rehabilitation Center. Petitioner did so upon the recommendation of North Carolina Pharmacist Recovery Network ("NC PRN"). Petitioner completed a seven-week course of treatment.
8. On April 23, 2007, Investigator Brashears asked Petitioner to voluntarily surrender her license. Petitioner refused to do so.
9. During the April 23, 2007 interview, Petitioner stated that her substance abuse problem was brought on by numerous health issues and the stress of an unsuccessful adoption effort.
10. On May 16, 2007, Paul Peterson, Executive Director of NC PRN, reported to the Board that Petitioner had failed a drug screen.
11. Petitioner voluntarily surrendered her license to practice pharmacy on May 22, 2007.

12. Petitioner pleaded guilty to one (1) felony count of embezzling a controlled substance and one (1) felony count of illegal possession of a Schedule II controlled substance in New Hanover County District Court. Petitioner received a prayer for judgment continued for one year with conditions. The conditions include: supervised probation with twice weekly drug screens; that she stay away from her former employer Rx Services; and that she not be employed in any place where she would have access to controlled substances until her pharmacy license is restored.
13. Petitioner continues to participate in group meetings and counseling sessions.
14. Petitioner's positive urine screen for benzodiazepine metabolites in April and May 2007 were explained by the medical review officer as a consequence of benzodiazepine used during Petitioner's detoxification treatment. Petitioner has a kidney condition that results in slow clearance of drug metabolites.
15. Petitioner continues to be drug tested by NC PRN frequently. Petitioner has not had a positive drug screen since May 2007.
16. Mr. Peterson testified that NC PRN advocates for Petitioner's return to the practice of pharmacy with conditions.

#### **CONCLUSIONS OF LAW**

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

**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, which shall be renewed to extend for 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 the Board's Executive Director.
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 32 hours per week, on average, for a period of six (6) months from the date of this Order.
7. After this six-month period, Petitioner may not be employed as a pharmacist for more than 40 hours per week, on average.
8. Petitioner may not work as a "floater" pharmacist.
9. Before accepting any employment as a pharmacist, Petitioner shall disclose to the potential employer her guilty pleas to one (1) felony count of embezzling a controlled substance and one (1) felony count of illegal possession of a controlled substance. The purpose of such disclosure is to alert a potential employer to the possibility that Petitioner is ineligible for employment in a place where she has access to controlled substances, *see* 21 C.F.R. § 1301.76(a), that she may appear on the Office of Inspector General's debarment list, or to any other consequence of the pleas. Petitioner shall provide a written acknowledgement, signed by the

potential employer, to the Board's Executive Director that she has made this disclosure as a prerequisite to the Executive Director's approval of a place of employment.

10. 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 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 NC PRN, and any treating physician or other health-care provider to release Petitioner's medical records to the Board.
12. Prior to the commencement of employment as a pharmacist, Petitioner shall submit documentation of her current continuing education hours to the Board's Executive Director
13. If Petitioner fails to comply with any terms or conditions of this Order, Petitioner may be subject to additional disciplinary action by the Board.
14. Petitioner shall violate no laws governing the practice of pharmacy or the distribution of drugs.
15. Petitioner shall violate no rules or regulations of the Board.

This is the 16th day of October, 2007.


NORTH CAROLINA BOARD OF PHARMACY

By: 

Jack W. Campbell IV  
Executive Director

**CERTIFICATE OF SERVICE**

I certify that on October 17, 2007, I caused a copy of this Order Reinstating License to be served on Petitioner by registered mail, return-receipt requested.



Jack W. Campbell IV  
Executive Director

cc: Long License File  
Jeff Weibe, Esq.  
Paul Peterson, Executive Director, North Carolina Pharmacist Recovery Network