

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In Re:

Richard Vann Kennerly
(License No. 6137)

)
)
) **ORDER REINSTATING LICENSE**
) **WITH CONDITIONS**
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)

THIS MATTER was heard on November 17, 2008, by the North Carolina Board of Pharmacy (the "Board") located at 6015 Farrington Road, Suite 201, Chapel Hill, North Carolina, upon the request of Richard Vann Kennerly (the "Petitioner") for reinstatement of his license to practice pharmacy in the state of North Carolina. Board President Haywood and Board members Chater, Chesson, Dennis, McLaughlin and Nelson 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. In 1974, Petitioner was licensed to practice pharmacy by the Board and became the holder of license number 6137.
2. On February 26, 1988, Petitioner entered into a contract with the North Carolina Pharmacist Recovery Network ("NCPRN").
3. On April 7, 1988, the Board entered an Order indefinitely suspending Petitioner's license. Petitioner was found to have abused alcohol while on duty as a pharmacist and to have taken controlled substances from the pharmacy where he worked, for his own use, without a prescription.
4. On March 2, 1991, Petitioner entered into a second contract with NCPRN.
5. On April 9, 1991, the Board entered an Order terminating the active service of Petitioner's suspension and permitting Petitioner to resume practice. The Order

continued the indefinite suspension of Petitioner's license but stayed the suspension subject to a number of conditions, including the condition that Petitioner fully comply with the terms of his contract with NCPRN.

6. On September 14, 1994, the Board entered an Order re-activating the indefinite suspension of Petitioner's license. Petitioner again was found to have abused alcohol while on duty as a pharmacist and to have taken controlled substances from the pharmacy where he worked, for his own use, without a prescription.
7. On May 19, 2004, Petitioner entered into a contract with NCPRN.
8. In May of 2004, the Board, at Petitioner's request, allowed Petitioner to work in a pharmacy as a pharmacist technician, and Petitioner has worked as a pharmacist technician since that time. Petitioner's employer testified that Petitioner has performed well during his period of employment. During Petitioner's employment, he has successfully completed more than 1500 hours of internship.
9. Petitioner has continued to remain under his contract with NCPRN. Paul Peterson, Executive Director of NCPRN, testified that Petitioner has been in full compliance with his NCPRN contract.

CONCLUSIONS OF LAW

Petitioner has demonstrated that he has maintained a period of successful recovery and compliance with his NCPRN contract. The Board, in its discretion, concludes that Petitioner can safely resume the practice of pharmacy. However, because of Petitioner's violation of multiple prior Board Orders, it is appropriate under the circumstances of this case for any violation of the terms of this Order to result in the immediate and final revocation of Petitioner's license to practice pharmacy.

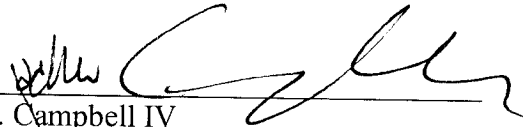
IT IS THEREFORE ORDERED that Petitioner's license to practice pharmacy shall be reinstated on the condition that Petitioner fully complies with all of the following conditions:

1. Before Petitioner's license may be reinstated, he must take and pass both the North American Pharmacist Licensure Examination and the Multistate Pharmacy Jurisprudence Examination.
2. Before Petitioner's license may be reinstated, Petitioner shall enter into a contract with NCPRN. This contract shall be developed by the Executive Director of NCPRN to address Petitioner's particular situation and history of substance abuse, and shall include an unexpiring monitoring period. In the exercise of his exclusive discretion, the Executive Director of the Board shall approve the terms of the contract prior to its execution.
3. Petitioner shall advise the Board promptly in writing of any change of address or change in practice status.
4. Petitioners shall obtain prior approval of all employment as a pharmacist from the Board's Executive Director.
5. Petitioner shall not serve as a pharmacist manager of any pharmacy.
6. Petitioner shall not serve as a preceptor of pharmacy students.
7. Petitioner shall authorize NCPRN and any treating physician or other health-care provider to release Petitioner's medical records to the Board.
8. Petitioner shall violate no laws governing the practice of pharmacy or the distribution of drugs.
9. Petitioner shall violate no rules or regulations of the Board.

10. If Petitioner fails to comply with any terms or conditions of this Order, his license to practice pharmacy shall be immediately revoked.

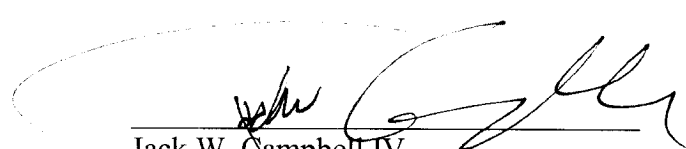
This the 3^d day of December, 2008.

NORTH CAROLINA BOARD OF PHARMACY

By: 
Jack W. Campbell IV
Executive Director

CERTIFICATE OF SERVICE

I certify that on December 4, 2008, I caused a copy of this Order Reinstating License with Conditions to be served on Petitioner by registered mail, return receipt requested.



Jack W. Campbell IV
Executive Director

Cc: *Kennedy*
~~Cain~~ License File
Paul Peterson, Executive Director, North Carolina Pharmacist Recovery Network
Clinton S. Pinyan, Esq.