

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In Re:

**Scott Patrick Lackey
(License No. 10279)**

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**ORDER REINSTATING LICENSE
WITH CONDITIONS**

THIS MATTER was heard on April 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 Scott Patrick Lackey (“Petitioner”) for reinstatement of his license to practice pharmacy. Board members Chater, McLaughlin, Dennis, Chesson, Minton 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 10279.
2. On March 1, 2010, Petitioner’s license to practice pharmacy expired due to non-renewal.
3. On November 18, 2009, Petitioner was arrested and charged with driving under the influence. He pleaded guilty on December 1, 2009, receiving a 60-day prison term that was suspended pending completion of 12 months unsupervised probation, and 24 hours of community service
4. As a result of his guilty plea, Petitioner was also ordered to undergo substance abuse evaluation. A court-appointed substance abuse counselor diagnosed Petitioner with “mild alcohol dependence” on December 12, 2009 and

recommended 40 hours of substance abuse treatment. Petitioner delayed treatment for eleven months, reporting to Mars Hill Counseling Services on November 18, 2010. Petitioner completed the Mars Hill program on February 2, 2011. He was encouraged to continue abstinence from alcohol and to remain engaged in Alcoholics Anonymous. Petitioner reports that he continues to attend AA meetings.

5. On January 21, 2009, Petitioner entered into a consent order in which he acknowledged numerous violations of the North Carolina Pharmacy Practice Act and rules including: failure to timely renew his pharmacist license in 2007 and 2008; employing unregistered technicians for lengthy periods of time; failing to comply with technician:pharmacist ratio requirements; and failure to maintain required records properly. Among other things, Petitioner was given a 37-day suspension of his pharmacist license; 7 days' active suspension to be served within 30 days of the consent order, and 30 days' suspension stayed for three years pending compliance with the consent order.
6. On April 21, 2009, the Board issued an order disciplining Petitioner's license to practice pharmacy. Petitioner failed to serve the 7-day active suspension within the time specified in his January 21, 2009 disciplinary order. As a result, the Board suspended Petitioner's license to practice pharmacy for 37 days. Petitioner served that suspension from April 27, 2009 to June 3, 2009.
7. Petitioner testified that his latest failure to timely renew was attributable to personal issues. He did not practice pharmacy after his license expired.

CONCLUSIONS OF LAW


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. As a condition precedent to reinstatement of his license to practice pharmacy, Petitioner shall submit to Board staff proof of having completed 30 hours of continuing education, 16 of which must be "live" or "contact" continuing education.
2. Petitioner shall not serve as pharmacist manager of any pharmacy.
3. Petitioner shall not serve as a preceptor of pharmacy students.
4. Petitioner shall renew his license to practice pharmacy January 1 of each year. He shall not be granted the 60-day "grace period" to renew.
5. Petitioner shall not be employed as a pharmacist more than 40 hours per week, on the average.
6. Petitioner shall not practice pharmacy at any pharmacy in which he has an ownership interest..
7. 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, 2011.

NORTH CAROLINA BOARD OF PHARMACY


By: 

Jack W. Campbell IV
Executive Director

CERTIFICATE OF SERVICE

I certify that on April 20, 2011, 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: Lackey License File