

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In The Matter Of:

Michael P. Lamberth)
(License No. 10967)) **ORDER REINSTATING LICENSE**
)
)

THIS MATTER came on for hearing upon request of Michael P. Lamberth (Petitioner) for reinstatement of his license to practice pharmacy in North Carolina. Petitioner's request was heard on March 21, 2006, by the North Carolina Board of Pharmacy (Board) located at 6015 Farrington Rd., Suite 201, Chapel Hill, North Carolina. Consideration of the Petitioner's request was heard based upon records in this proceeding, and the testimony and other materials of record presented at the hearing. Having heard the evidence presented and assessed the credibility of the testifying witnesses, the Board makes the following:

FINDINGS OF FACT

1. Petitioner was licensed on July 25, 1990, to practice pharmacy by the North Carolina Board of Pharmacy and was the holder of license number 10967.
2. On July 1, 2005, Petitioner voluntarily surrendered his license and ceased practicing pharmacy based upon his obtaining, consuming and dispensing legend prescription drugs and controlled substances without authorization and in violation of State and Federal statutes and regulations.
3. On June 30, 2005, the North Carolina State Bureau of Investigation (SBI) notified the Board that Petitioner had diverted hydrocodone products from CVS

pharmacy, located at 1320 6 West D Street, North Wilkesboro, N.C. (North Wilkesboro CVS)

4. On June 29, 2005, CVS Loss Prevention Officer Mark Robbins obtained a written statement of admission from Petitioner that Petitioner had diverted hydrocodone from CVS North Wilkesboro.
5. On July 27, 2005, Board Investigator Ken Wilkins contacted Petitioner's residence and spoke with Petitioner's wife. She advised that Petitioner was receiving inpatient treatment for substance abuse. Petitioner's wife said she would give Petitioner a message to contact Investigator Wilkins after finishing treatment.
6. On July 28, 2005, Investigator Wilkins traveled to North Wilkesboro CVS and met with CVS/pharmacy District Manager Andy Stoker. District Manager Stoker stated that oddities in the perpetual inventory prompted CVS to conduct an internal investigation. The investigation led to Petitioner, who admitted to Loss Prevention Officer Robbins that he had diverted hydrocodone products for personal use as far back as September 2003.
7. CVS submitted a DEA-106 Loss Form to the North Carolina Drug Enforcement Agency (copied to the Board) for missing products, including: Hydrocodone APAP 10/325, 3,900 dosages units; Hydrocodone 10/650, 1,600 dosage units; and Hydrocodone 10/660, 150 dosage units. District Manager Stoker advised that CVS chose not to audit these medications because Petitioner's admissions were consistent with the perpetual inventory shortage.

8. On August 22, 2005, Investigator Wilkins met with Petitioner regarding the diversion from North Wilkesboro CVS and the events leading to the surrender of his pharmacist license.
9. On November 8, 2005, Special Agent Wendy White of the North Carolina SBI arrested Petitioner and charged him with embezzling hydrocodone for personal use.
10. On March 1, 2006, Petitioner pled no contest to one count of embezzling hydrocodone and received a four month suspended sentence, 36 months of unsupervised probation, and 48 hours of community service.
11. Petitioner met with Executive Director of the North Carolina Pharmacist Recovery Network (NCPRN) Paul Peterson and entered into a PRN contract on _____, 2005.

CONCLUSION OF LAW

Petitioner has demonstrated that he has been in a period of successful recovery and compliance with his NCPRN contract. The North Carolina Board of Pharmacy, in its discretion, concludes that Petitioner can safely resume the practice of pharmacy, subject to the conditions set forth below.

IT IS, THEREFORE, ORDERED that Petitioner's license shall be reinstated subject to the following conditions set forth in attachment "A" and incorporated herein.

This the 21st day of March 2006.

NORTH CAROLINA BOARD OF PHARMACY

By: _____



David R. Work
Executive Director

The undersigned understands and agrees that by entering into this Reinstatement Order, he certifies that he has read the foregoing Reinstatement Order and that he voluntarily consents to the terms and conditions set out therein. The undersigned further understands that should he violate the terms and conditions of the Reinstatement Order, the Board may take additional disciplinary actions. The undersigned understands and agrees that this Reinstatement Order will not become effective unless and until approved by the Board.

Michael P. Lamberth, License #28, **accepts** the Board's proposal in this matter.

CONSENTED TO BY:

Michael P. Lamberth, License #10967

Date

Attachment "A"

- Petitioner shall successfully complete his PRN contract, which shall be renewed to extend 5 years from the date of reinstatement.
- Petitioner shall advise the Board promptly in writing of any change of address or change in practice status.
- Petitioner shall obtain prior approval of all employment as a pharmacist from the Board's Executive Director.
- Petitioner shall not serve as pharmacist manager of any pharmacy.
- Petitioner shall not serve as a preceptor of pharmacy students.
- Petitioner may not be employed as a pharmacist more than 40 hours per week, on the average.
- 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 substances, prescription drug, or alcohol, which was not previously prescribed for Petitioner by a practitioner acting in the normal course of medical treatment of Petitioner.
- Petitioner shall authorize PRN and any treating physician or other health care provider to release Petitioner's medical records to the Board.
- Prior to the commencement of employment as a pharmacist, Petitioner shall submit documentation of his current continuing education hours to the Board's Executive Director.
- If Petitioner fails to comply with any terms or conditions of the Order, Petitioner may be subject to additional disciplinary action by the Board.
- Petitioner shall violate no laws governing the practice of pharmacy or the distribution of drugs.



Petitioner shall violate no rules or regulations of the Board.



Complete _____ hours of CE with minimum _____ hours live to reinstate license for _____ year.



Within _____ of Petitioners receipt of this Order, he shall take and pass the MPJE Examination, administered by NABP.



Petitioner shall submit documentation to the Executive Director that some portion of the required continuing education is in the area of _____ for _____ hours has been completed within _____.

Other: Written disclosure of Court ~~decision~~ decision to employer - copied to Board Exec Director
current and any future