

**STATE OF NORTH CAROLINA  
NORTH CAROLINA BOARD OF PHARMACY**

<b>IN THE MATTER OF</b>	)	
	)	<b>CONSENT ORDER</b>
<b>EDWARD GAETON LEAKE</b>	)	<b>IMPOSING CONDITIONS</b>
<b>(Pharmacist License #18783)</b>	)	
	)	
_____	)	

THIS MATTER came to be considered at a prehearing conference (hereinafter, "Conference") before a member of the North Carolina Board of Pharmacy (hereinafter, the "Board") pursuant to 21 N.C.A.C. 46.2008. The Conference was scheduled for February 20, 2017 and, after appropriate notice, was heard on that day by Board member Carol Day at the offices of the Board. Petitioner Edward Gaeton Leake (hereinafter, "Petitioner") was present at the Conference and represented by James A. Wilson. The Board's Executive Director, Jay Campbell, represented the Board.

Petitioner has agreed to waive a formal hearing in the above-referenced matter. Both parties stipulate and agree to the findings of fact and conclusions of law recited herein and to the order of discipline imposed. By his consent, Petitioner also stipulates that he waives his right to appeal this Consent Order or challenge in any way the sufficiency of the findings of this Order as a basis for the action taken. Based upon the consent of the parties, the Board hereby enters the following:

**FINDINGS OF FACT**

1. Petitioner holds North Carolina license to practice pharmacy number 18783.
2. Board staff received a drug disaster and loss report indicating that Petitioner was terminated from his then-place of practice for suspected diversion of controlled substances for personal use.

3. Petitioner admitted to the diversion to Board investigative staff, which he accomplished primarily by creating fraudulent prescriptions. Petitioner admitted that he had diverted controlled substances for personal use over a period of several months.
4. Immediately afterward, Petitioner ceased practicing pharmacy, contacted the North Carolina Physicians Health Program (“NCPHP”), and accepted NCPHP’s recommendation to receive inpatient treatment for substance use disorder.
5. Petitioner, through counsel, agreed with the Board’s Executive Director that he would cease practicing until explicitly authorized by the Board.
6. On May 23, 2016, Petitioner entered into a substance use treatment and monitoring agreement with North Carolina Physicians Health Program (“NCPHP”).
7. NCPHP reports that Petitioner has complied with all aspects of his monitoring contract, including random screening, counseling, and group meetings.
8. NCPHP advocates for Petitioner’s return to the practice of pharmacy, with appropriate conditions.

#### CONCLUSIONS OF LAW

The Board, in its discretion, concludes that Petitioner can safely resume the practice of pharmacy under the conditions stated below.

**IT IS THEREFORE ORDERED** that Petitioner is permitted to resume the practice of pharmacy and his license to practice pharmacy is **SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Petitioner shall remain in compliance with his NCPHP treatment and monitoring agreement.
2. For the duration of his NCPHP treatment and monitoring agreement, Petitioner shall obtain prior approval of all employment as a pharmacist from NCPHP.
3. For the duration of his NCPHP treatment and monitoring agreement, Petitioner may not be employed as a pharmacist for more than 40 hours per week unless approved otherwise by NCPHP as clinically consistent with Petitioner's recovery.
4. For the duration of his NCPHP treatment and monitoring agreement, Petitioner may not serve as a pharmacist-manager unless NCPHP finds such service clinically consistent with Petitioner's recovery and notifies the Board's Executive Director of that finding.
5. 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 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.
6. Petitioner shall authorize NCPHP and any treating physician or other health care provider to release Petitioner's medical records to the Board.

7. Petitioner shall violate no laws governing the practice of pharmacy or the distribution of drugs.
8. Petitioner shall violate no rules or regulations of the Board.
9. 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 21<sup>st</sup> day of February, 2017.

NORTH CAROLINA BOARD OF PHARMACY

By: \_\_\_\_\_

Jack W. Campbell IV  
Executive Director

Edward Gaeton Leake has full knowledge that he has the right to a formal hearing, at which he would have the right to be represented at his expense 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 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 or after knowingly and voluntarily choosing not to consult with counsel.

CONSENTED TO BY:

Edward Gaeton Leake Date 2/20/17  
Edward Gaeton Leake

STATE OF North Carolina  
Durham COUNTY

I, the undersigned Notary Public of the County and State aforesaid, do hereby certify that the following person(s) personally appeared before me this day, and each acknowledged the due execution of the foregoing document: Edward Gaeton Leake

Date: 2/20/17

Cathy R. Parkem  
Notary Public  
Cathy R. Parkem

My commission expires: 10/14/17

I DO NOT CONSENT:

\_\_\_\_\_ Date \_\_\_\_\_

Edward Gaeton Leake

Jack W. Campbell, IV  
Executive Director

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NORTH CAROLINA

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January 15, 2018

Edward Gaeton Leake  
Pharmacist License #18783

Dear Mr. Leake:

Pursuant to paragraph (4) of the February 20, 2017 consent order imposing conditions on your license to practice pharmacy #18783 and based on North Carolina Physician Health Program's clinical opinion of your recovery, you are hereby approved to serve as a pharmacist-manager of a North Carolina-licensed pharmacy.

Sincerely yours,

  
Jay Campbell  
Executive Director