

**BEFORE THE NORTH CAROLINA BOARD OF PHARMACY**

In Re: )  
)  
) **AMENDED CONSENT ORDER**  
) **REINSTATING LICENSE WITH**  
) **CONDITIONS**  
)

THIS MATTER came on to be considered at a prehearing conference (hereinafter, "Conference") before a member of the North Carolina Board of Pharmacy (hereinafter, "Board") pursuant to 21 N.C.A.C. 46.2008. This Conference was scheduled for March 8, 2010 and, after appropriate notice, was heard on that day by Board member Rebecca Chater at the offices of the Board. Karen L. McKissick (hereinafter, "McKissick") was present and was represented by Counsel James A. Wilson. Counsel Clinton R. Pinyan represented the Board. Members of the Board's investigative staff and other Board counsel were also present at the Conference.

McKissick 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 imposed. By her consent, McKissick also stipulates that she waives her right to appeal this Consent Order or challenge in any way the sufficiency of the findings of this Order. Based upon the consent of the parties, the Board hereby enters the following:

**FINDINGS OF FACT**

1. In March 1998, McKissick was licensed to practice pharmacy by the Board and became the holder of license number 14265.
2. Since 2003, McKissick has suffered from a disabling condition. On several instances since 2003, McKissick's condition was not treated sufficiently to render her fit to practice pharmacy with reasonable skill, competence and safety to the public.

3. On February 17, 2009, because of valid concerns about McKissick's fitness to practice pharmacy with reasonable skill, competence and safety to the public, the Board summarily suspended McKissick's license to practice pharmacy.

4. After the Board's summary suspension, under the care of her current physicians, McKissick has developed a treatment program that, according to those physicians, will allow her to return to the practice of pharmacy with reasonable skill, competence and safety to the public.

5. Based upon the recommendation of McKissick's physicians, the Board finds that McKissick is fit to practice pharmacy with reasonable skill, competence and safety to the public, so long as she follows the treatment program of those physicians.

6. The parties agree that it is appropriate for the Board to incorporate into this Consent Order certain conditions to assure that McKissick will continue to practice only if she remains fit to practice pharmacy with reasonable skill, competence and safety to the public.

#### **CONCLUSIONS OF LAW**

McKissick has demonstrated that she has maintained a period of successful treatment. The Board, in its discretion, concludes that McKissick can safely resume the practice of pharmacy under the conditions set forth in this Consent Order.

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

1. McKissick shall remain in treatment with Dr. James Smith III of Carolina Partners in Mental Healthcare. In the event that McKissick wishes to change treating

psychiatrists, she must receive advance approval to do so in writing from the Board's Executive Director.

2. Before return of her license, McKissick shall commence a treatment program set forth in writing by Dr. Smith and that written treatment program must be provided to the Board's Executive Director. Dr. Smith or any approved successor may change the treatment program, in his discretion, but must provide contemporaneous written notice to the Board's Executive Director of any changes to the treatment program. That treatment program must include blood testing sufficient in the judgment of the treating psychiatrist to monitor McKissick's condition and must set forth the parameters of testing levels from which McKissick may not deviate before she will be judged to be in non-compliance with her treatment program. This treatment program may include restrictions on the conditions of McKissick's practice that her treating psychiatrist, in his discretion, believes are appropriate to allow McKissick to practice pharmacy with reasonable skill, competence and safety to the public. Those restrictions on her practice may include, but are not limited to, restrictions on the number of hours worked and number of prescriptions that she may fill, on average.

3. McKissick shall meet and shall continue to meet all requirements for being in the "AMSRE Stable Recovery Population."

4. McKissick shall authorize her treating psychiatrists, therapists and any other treating physician or other health-care provider to release McKissick's records to the Board. McKissick shall further authorize and direct those persons to immediately report any violations of this Board order, including but not limited to (a) termination of her relationship with her treating psychiatrist without approval of the Board's Executive Director, (b) non-compliance with any written treatment program provided to the Board's Executive Director, (c) and failure to

continue to meet all requirements for being in the "AMSRE Stable Recovery Population," including but not limited to any need for crisis services or hospitalization related to mental illness, substance abuse or developmental disabilities, being homeless or evicted or forced to move, or being engaged in activities that result in arrest by law enforcement. By signing this Consent Order, Dr. Smith understands and agrees to report and any all non-compliance with the Board's Order to the Board's Executive Director within five (5) days of knowledge of that non-compliance.

5. McKissick shall advise the Board promptly in writing of any change of address or change in practice status.

6. McKissick shall obtain prior approval of all employment as a pharmacist from the Board's Executive Director.

7. McKissick shall not serve as a pharmacist manager of any pharmacy.

8. McKissick shall not serve as a preceptor of pharmacy students.

9. McKissick shall violate no laws governing the practice of pharmacy or the distribution of drugs.

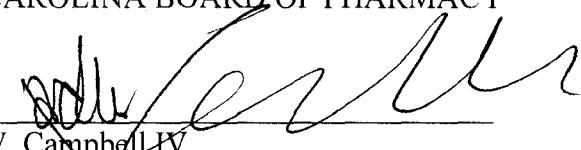
10. McKissick shall violate no rules or regulations of the Board.

11. If McKissick fails to comply with any terms or conditions of this Order, she agrees to voluntarily surrender her license immediately.

Nunc pro tunc, the 9<sup>th</sup> day of March, 2010.

NORTH CAROLINA BOARD OF PHARMACY

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

  
Jack W. Campbell IV  
Executive Director