BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In The Matter Of:

Reciprocity Application of Irving Louis Trust

ORDER DENYING RECIPROCITY

THIS MATTER came before the North Carolina Board of Pharmacy ("Board") concerning the application of Irving Louis Trust ("Petitioner") to reciprocate a Pennsylvania license to practice pharmacy. This matter was heard on January 19, 2011 by the Board located at 6015 Farrington Rd., Suite 201, Chapel Hill, North Carolina. Board members Chater, Dennis, Chesson, Marks, and Minton heard Petitioner's request. Having heard the evidence presented and assessed the credibility of the testifying witnesses, the Board makes the following:

FINDINGS OF FACT

1. Petitioner presently holds a license to practice pharmacy in Pennsylvania.

2. On February 28, 2010, Petitioner submitted a North Carolina Board of Pharmacy Reciprocity Data Questionnaire seeking to reciprocate his Pennsylvania license to practice pharmacy.

3. Question 7 on that questionnaire asks "Have you ever been charged by any Board of Pharmacy on matters which could have produced an action on your license?" Petitioner's response to this question was "No."

4. Petitioner's signature on the questionnaire "affirm[ed] that I have answered the foregoing questions, and that my answers are true and correct. I understand that any false
information given by me may subject me to refusal to be licensed, disciplinary action by the North Carolina Board of Pharmacy, and/or any license obtained shall be void and of no effect.”

5. On April 15, 2010, Petitioner completed a Reciprocity Candidate Questionnaire and submitted it to the Board. Question 4 on that document asked “Do you have pending, or have you ever been subject to, disciplinary proceedings before any Board of Pharmacy? Petitioner’s response to this question was “No.”

6. Petitioner’s signature on this questionnaire “affirm[ed] that I have answered the foregoing questions and that my answers are true and correct. I understand that any false information given by me may subject me to disciplinary action by the North Carolina Board of Pharmacy.”

7. In May of 2010, Petitioner submitted a National Association of Boards of Pharmacy Official Application for Transfer of a Pharmacist License to the State of North Carolina. Question 2 of the “Professional History” section asked “Has your pharmacist license in any jurisdiction ever been revoked, suspended, restricted, terminated, or otherwise been subject to disciplinary action (public or private) by any board of pharmacy or other state authority?” Petitioner’s response to this question was “No.”

8. In fact, Petitioner’s license to practice pharmacy in Pennsylvania was disciplined on January 22, 1999 by the Pennsylvania Bureau of Professional and Occupational Affairs. Petitioner was noticed of charges against his license, represented himself in a hearing before the Bureau, admitted factual allegations, and submitted mitigating evidence. The Bureau determined that Petitioner violated Pennsylvania law and imposed a civil penalty on his license to practice pharmacy.
7. Accordingly, Petitioner’s answers on the North Carolina and NABP questionnaires were untruthful.

8. Petitioner testified variously that “in his heart” he did not think he had violated Pennsylvania law; that the discipline against his Pennsylvania license was taken “only because he was pharmacist manager;” and that “because of his ego” he answered the questions the way he did.

9. The Board does not find Petitioner’s explanations credible. And, in all events, such explanations do not alter the incontrovertible fact that Petitioner’s Pennsylvania license to practice pharmacy was disciplined.

10. Petitioner presented mitigating evidence in the form of attestations of fitness and character.

CONCLUSION OF LAW

Petitioner “made false representations or withheld material information in connection with securing a license or permit.” N.C.G.S. § 90-85.38(a)(1).

IT IS, THEREFORE, ORDERED that Petitioner’s application to reciprocate his Pennsylvania license is DENIED.

Petitioner may make a new application to reciprocate his Pennsylvania license to North Carolina as stated on the record at the hearing.

This Order contains no promise or guarantee, express or implied, that any subsequent application will be approved. Any subsequent application will be assessed, when received, for compliance with North Carolina law, including complete and full disclosure of all information sought in the application materials.
This the 19th day of January, 2011.

NORTH CAROLINA BOARD OF PHARMACY

By: 

Jack W. Campbell IV
Executive Director
CERTIFICATE OF SERVICE

I certify that on January 20, 2011, I caused a copy of this Order Denying Reciprocity to be served on Irving Louis Trust by certified mail, return receipt requested at the following address:

[Redacted]

cc: Trust reciprocity file
Melanie Zimmerman, Executive Director, Pennsylvania Board of Pharmacy
PO Box 2649
Harrisburg, PA 17105-2649

Jack W. Campbell IV
Executive Director