BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In Re:

BENJAMIN VAN PELT

) ) ORDER REGARDING LICENSURE

) )

THIS MATTER was heard on June 17, 2014, by the North Carolina Board of Pharmacy ("Board") located at 6015 Farrington Road, Suite 201, Chapel Hill, North Carolina, upon the request of Benjamin Van Pelt ("Petitioner") for the Board to act upon an application for a license to practice pharmacy in the state of North Carolina. Board members McLaughlin, Marks, Minton, Chesson, Mixon and Day conducted this hearing. 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 is a graduate of the University of North Carolina Eshelman School of Pharmacy.

2. In May 2011, Petitioner submitted an Application for Examination and Registered Pharmacist Certificate to the Board.

3. On the application, Petitioner answered "yes" to the questions: "Have you ever been summoned, arrested, taken into custody, indicted, convicted, or tried for, or charged with, or pleaded guilty to the violation of any law or ordinance or the commission of any felony or misdemeanor?" and "Have you ever been addicted to drugs or alcohol or received treatment for drug or alcohol abuse?"
4. Petitioner disclosed that he had diverted hydrocodone-containing products from his then-place of employment while a pharmacy student. Petitioner also disclosed some history of treatment and monitoring for substance abuse at facilities in Wilmington, NC and under the supervision of faculty at the UNC Eshelman School of Pharmacy.

5. Upon reviewing Petitioner’s application, Board staff recommended that Petitioner consult with North Carolina Pharmacist Recovery Network (“NCPRN”) concerning his substance abuse issues.

6. Petitioner did so and signed a treatment and monitoring agreement with PRN in June 2011. Subsequently, however, Petitioner disavowed that contract and requested a hearing before the Board on his licensure application.

7. After further reflection, Petitioner withdrew the request for a hearing and, at NCPRN’s recommendation, underwent a substance abuse assessment at a facility with specific expertise in treating professionals. That assessment disclosed alcohol and opiate dependence. Petitioner subsequently completed a 90-day inpatient treatment program at the same facility.

8. In December 2011, Petitioner entered into a treatment and monitoring agreement with NCPRN, which includes counseling, meeting, and testing obligations.

9. In 2012, Petitioner had several instances of noncompliance with NCPRN requirements. As a result, Petitioner was referred to the NCPRN Compliance Committee, which reprimanded him and increased testing and monitoring requirements.
10. NCPRN case manager Cindy Clark testified that from 2013 to date, Petitioner has been compliant with his treatment and monitoring obligations and ascribed the 2012 compliance issues to Petitioner’s process of coming to terms with his substance abuse issues.

11. Petitioner testified to numerous changes in his choices and behaviors.

12. Ms. Clark testified that, in NCPRN’s clinical opinion, Petitioner is in recovery and is safe to proceed through the licensing process.

CONCLUSIONS OF LAW

Petitioner has demonstrated that he has been in a period of successful recovery. The Board, in its discretion, concludes that Petitioner is eligible to proceed through the licensure application process.

IT IS THEREFORE ORDERED that:

1. Petitioner shall file a new application for licensure as a pharmacist and submit the requisite fee.

2. If Petitioner successfully completes the licensure application process, including achieving satisfactory scores on all required examinations, and is licensed as a pharmacist in North Carolina, Petitioner’s license shall be subject to the following conditions:

   a. Petitioner shall successfully complete his PRN contract, which shall be extended through June 5, 2018.

   b. Petitioner shall advise the Board promptly in writing of any change of address or change in practice status

   c. Petitioner shall not serve as a pharmacist-manager of a pharmacy.
d. Petitioner shall not serve as a preceptor of pharmacy students. No earlier than one year from the date of this Order, Petitioner may request that NCPRN recommend to the Board’s Executive Director that he be allowed to precept students. Upon the Executive Director’s acceptance of NCPRN’s recommendation, Petitioner may begin precepting students.

e. Petitioner may not practice pharmacy more than 32 hours per week on average, but this restriction may be modified by NCPRN as deemed clinically appropriate.

3. If Petitioner fails to comply with any terms or conditions of this Order.
This is the 17th day of June, 2014.

NORTH CAROLINA BOARD OF PHARMACY

By: Jack W. Campbell IV
Executive Director
CERTIFICATE OF SERVICE

I certify that on June 18, 2014, I caused a copy of this Order Regarding Licensure to be served on Petitioner by registered mail, return-receipt requested:

Jack W. Campbell IV
Executive Director

cc: Van Pelt File
    Cindy Clark, North Carolina Pharmacist Recovery Network