

BEFORE THE STATE BOARD OF PHARMACY OF SOUTH CAROLINA

In the Matter of:

BOBBY K HINSON, R.PH,

LICENSE # 4507 (SUSPENDED)

ORDER

STATEMENT

This matter came before the Board at its regular meeting on January 21, 2009, pursuant to the application of BOBBY K. HINSON for reinstatement of his license to practice pharmacy in this State. Mr. Hinson appeared with counsel, Travis Dane Hilka of Spartanburg, SC. Mr. Hinson has an extensive record with this Board. In 1996, Applicant consented to discipline and agreed to treatment for addiction. Between that time and 2001, Applicant's license was reinstated and later suspended three times for failure to comply with the conditions of his monitoring order. His license has been continuously suspended since July 31, 2001. He has applied for reinstatement on several occasions since that time. On January 24, 2007, the Board ordered that no further applications for reinstatement would be considered until Mr. Hinson completed four specific tasks to demonstrate his commitment to sobriety and to the professional practice of pharmacy.

FACTS

In support of this application, Mr. Hinson presented evidence of

1. complete compliance with his RPP contract, verified by the testimony of his RPP counselor;

2. 60 additional hours of continuing education in addition to those required for renewal in 2007 and 2008 (a total of 91 hours of continuing education in 2007 and 2008), which were documented as 37.5 live CE hours and 53.5 in acceptable home study;
3. satisfactory completion of the MPJE on October 29, 2007; and
4. 1500 hours of supervised internship which were served in part at a Rite Aid Pharmacy and at a Cash & Carry Pharmacy.

DISCUSSION

In analyzing the evidence placed before it, the Board has considered the nature and circumstances of the original surrender, the possibility of rehabilitation of Applicant, and the protection of the public interest. The Board notes that this is the first extended period since 1996 that Applicant has demonstrated the ability to comply with the orders of the Board. Applicant's behavior during this period is directly related to the safe practice of pharmacy which requires strict adherence to protocols and collaborative interaction with other professionals. The Board notes that Applicant has satisfied each of the specific requirements placed upon him by the 2007 order.

After due consideration of all facts before it, the Board concludes that the record does support reinstatement but does not support granting the petition for reinstatement without conditions.

THEREFORE, IT IS ORDERED that Applicant's petition for reinstatement of his license to practice pharmacy in this State be and hereby is granted subject to the following conditions:

1. **LICENSE # 4507** is immediately placed upon probation for no less than five years and until further order of the Board.
2. Respondent shall completely abstain from the consumption of mood-altering substances, including alcohol, except as prescribed by a duly licensed practitioner for a documented legitimate medical purpose. All use of such substances is to be reported by Respondent to the Board or its designee within 48 hours of initiation. All such medical treatment and prescribing shall be reported directly to the Board or its designee in writing by the treating practitioner within ten (10) days after the date of treatment. Respondent must inform the treating practitioner of this responsibility, provide a copy of this Order to the treating practitioner, and ensure timely compliance. Failure to comply with any of the requirements of this paragraph shall be considered a violation of this Order.
3. Respondent shall be subject to periodic, unannounced alcohol and/or drug analysis as desired by the Board or its designee, the South Carolina Recovering Professionals Program, the purpose being to ensure that the Respondent remains drug and alcohol-free. The cost of such alcohol and drug analyses and reports will be borne by Respondent, which costs shall be paid within thirty (30) days after the date of the invoice therefor. Failure to make timely payment of such costs, to provide a specimen upon request, or to remain alcohol and/or drug-free shall be considered a violation of this Order.
4. Respondent must have a written contract with and be an active participant in the activities of the Recovering Professional Program (hereafter the Program), until a period of not less than five years of documented continuous sobriety and compliance from the date of this Order has been satisfactorily established by Respondent and until this Order has been terminated as provided herein. Such contract shall include provisions for any assessment, treatment, monitoring and aftercare activities, and other activities as the Program shall deem appropriate. The level of participation that is appropriate for Respondent shall be determined by the Program. Respondent must fully comply with all requirements and recommendations of the Program. If required or recommended by the Program, Respondent shall submit, at Respondent's expense, to an evaluation at a facility approved by the Program, any treatment deemed appropriate by the Program at an approved facility, and any monitoring and aftercare activities specified by the Program. The Program shall submit regular written reports documenting Respondent's full compliance with the terms of the contract with the Program and this Order.
5. Within thirty (30) days of the date of this Order, Respondent must provide to the Board written verification from an appropriate representative of the Program verifying that Respondent has signed a written contract with and become an active participant in the activities of the Program, for the extended time as required above. Compliance with this paragraph shall not be deemed satisfied until said written verification is received by the Board.
6. Respondent shall appear and report to the Board as requested by the Board.

7. Respondent shall promptly advise this Board in writing of any changes in employment, address, practice, professional status, or compliance with this Order. Correspondence and copies of reports and notices mentioned herein shall be directed to:

LLR-Board of Pharmacy

P.O. Box 11329

Columbia, SC 29211-1329

8. Applicant shall not service as pharmacist in charge or permit holder for any permit during the period of probation.
9. If Applicant fails to abide by any of the aforementioned terms and conditions, or if it should be indicated from reliable reports submitted to the Board that Respondent is otherwise unable to practice pharmacy with reasonable skill and safety, then Respondent's license will be immediately temporarily suspended pending hearing into the matter and until further Order of the Board. Applicant is hereby notified that a failure to abide by the terms of this order can result in permanent revocation of his license.
10. This Order is a public document under the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10, *et seq.*, as amended.

AND IT IS SO ORDERED.

STATE BOARD OF PHARMACY

2-2-07

BY: Davis C. Hook, Ph.D.

Date

DAVIS C. HOOK, R.Ph.

Chairman of the Board

CERTIFICATE OF SERVICE BY MAIL

This is to certify that the undersigned has this date served this 2-2-07 in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or in the Interagency Mail Service addressed to the party (ies) or their attorney (s), to the following address: 2000 South 1st Street, Suite 200, Tampa, FL 33604

This 2nd day of February, 2007
By: Davis C. Hook, Ph.D.
Printed name, title & signature

*Transmitted
at least
P.O. Box #100
Springfield, VA
2700*