

VIRGINIA:

BEFORE THE BOARD OF PHARMACY

IN RE: KIMBERLEE A. BROWN, PHARMACIST
License No.: 0202-204577

NOTICE OF HEARING

Pursuant to § 2.2-4020, § 2.2-4021, § 54.1-110, and § 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), Kimberlee A. Brown is hereby given notice that a formal administrative hearing will be held in the presence of a panel of the Board of Pharmacy ("Board"). The hearing will be held on September 12, 2007, at 1:00 p.m., at the offices of the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 200, Richmond, Virginia 23233, at which time Ms. Brown will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. Brown has the following rights, among others: the right to representation by counsel, the right to have witnesses subpoenaed and to present witnesses on her behalf, the right to present documentary evidence and the right to cross-examine adverse witnesses. If Ms. Brown desires any witnesses to appear on her behalf, she must notify the Director of the Administrative Proceedings Division, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to receive and act upon evidence that Ms. Brown may have violated certain laws governing the practice of pharmacy in Virginia, as more fully set forth in the Statement of Particulars below.

STATEMENT OF PARTICULARS

The Board alleges that:

1. During the course of her employment with Kroger #530, Newport News, Virginia:
 - a. Ms. Brown may have violated § 54.1-3316(4) and (7) and § 54.1-3410(A) and (B)

of the Code in that, by her own admission, between on or about February 12, 2007 through April 13, 2007, she diverted various hydrocodone-containing controlled substances for her personal and unauthorized use.

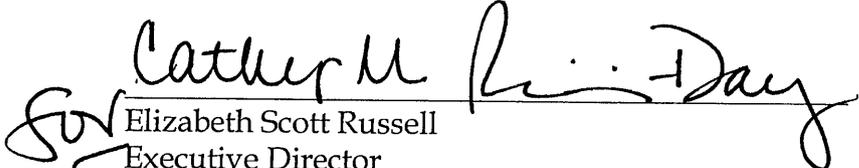
b. Ms. Brown may have violated § 54.1-3316(1), (4) and (7), § 54.1-3303(A) and § 54.1-3410(A)(1) of the Code in that, by her own admission, on or about February 27, 2007, she wrote two fraudulent prescriptions in the names of other individuals for Lortab (hydrocodone/ APAP, Schedule III) and Norco (hydrocodone/ APAP, Schedule III), using a stolen prescription blank, and dispensed said medication for her personal use.

c. As a result of Ms. Brown's actions, her employment was terminated. Ms. Brown was also charged with one misdemeanor count of possession of prescription drugs, one misdemeanor count of unlawfully obtaining a prescription, and one felony count of obtaining prescriptions by fraud in Newport News General District Court, Virginia. On August 9, 2007, Ms. Brown appeared in General District Court, and two counts were *nolle prossed*, and one matter was scheduled for deferred disposition.

2. On or about April 27, 2007, Ms. Brown entered into a Participation Contract with the Health Practitioners' Intervention Program ("HPIP"), pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10, *et seq.*, of the Regulations Governing the HPIP. This was done with the understanding that the program is to assist those persons who have impairment, defined as "a physical or mental disability, including, but not limited to substance abuse, that substantially alters the ability of a practitioner to practice his profession with safety to his patients and the public." On or about July 23, 2007, Ms. Brown was dismissed from the HPIP for non-compliance with the terms of her contract in that she failed to complete a residential treatment program, leaving the program early without approval.

3. Ms. Brown may have violated § 54.1-3316(4) and (7) of the Code, in that in July 2007, during an interview with a Department of Health Professions' Inspector, Ms. Brown admitted to abusing hydrocodone-containing controlled substances, taking approximately 40 hydrocodone-containing tablets per day. She also reported receiving inpatient and residential substance abuse treatment.

FOR THE BOARD


Elizabeth Scott Russell
Executive Director

ENTERED: August 24, 2007