

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION  
BEFORE THE STATE BOARD OF PHARMACY**

**IN THE MATTER OF:**

**DARRON WADE BARKSDALE, R.Ph.**  
License No.: PH.8955 (Suspended)

Respondent.

OIE Case No.: 2019-56

**FINAL ORDER  
(PUBLIC)**

This matter came before the State Board of Pharmacy (“Board”) for a hearing on September 18, 2019, to consider the Memorandum of Agreement and Stipulations (“MOA”) signed by the above named respondent (“Respondent”). In the MOA, Respondent acknowledged the State was prepared to file a Formal Complaint, and Respondent waived the authorization and filing of a Formal Complaint as well as formal hearing procedures and elected to dispose of the matter pursuant to S.C. Code Ann. § 1-23-320(f).

A quorum of the Board was present. J. Addison Livingston, Pharm.D., recused himself from this matter and excused himself from the meeting during the hearing. The hearing was held pursuant to S.C. Code Ann. §§ 40-1-90, 40-43-150, and the applicable provisions of the Administrative Procedures Act, S.C. Code Ann. § 1-23-10 *et seq.*, to determine what sanctions, if any, were appropriate. Patrick D. Hanks, Esquire, Chief Disciplinary Counsel, represented the State. Respondent appeared and was represented by William Hinnant, Jr., Esquire. The Board considered the facts stipulated in the MOA, the admissions of violations in the MOA, and the testimony of Respondent and other witnesses. After due consideration, the Board decided to impose the sanctions stated in this Order.

**FINDINGS OF FACT**

1. The parties stipulated in the MOA to certain facts, including the following, which the Board adopts:
  - a. At all times relevant to these matters, Respondent was duly licensed by the Board to practice pharmacy in the State of South Carolina. The Board has jurisdiction over Respondent and all issues relevant to these matters. Respondent graduated from the University of South Carolina School of Pharmacy in December 1994. He was first issued a license to practice pharmacy in South Carolina on October 23, 1995.
  - b. On February 2, 2011, Respondent admitted during an in-person interview with his CVS supervisor, that in the span of about two years, Respondent had taken/diverted certain medications from CVS #7538 in Honea Path, South Carolina. He had a prescription for one medication in his possession and had a prescription for another on file, but did not pay for that medication. He did not have a prescription for

another medication he diverted. He was given a Notice of Civil Demand and terminated from CVS in Honea Path, South Carolina for violating the company's policies.

- c. On August 14, 2017, Respondent was arrested and charged with Harassment in the 2<sup>nd</sup> degree in Oconee County. Respondent pled guilty to the harassment charge on May 2, 2018.
- d. On April 5, 2019, the Board determined that Respondent may have falsified his renewal applications by failing to report his criminal conviction and failing to complete his continuing education ("CE") hours.
- e. The Board's investigator ("the Investigator") found that Respondent's 2016, 2017, 2018, and 2019 renewal applications reported that he was employed at a pharmacy with permit #14563. The pharmacy Respondent referenced had been closed since September 16, 2015. As a former employee of the facility, Respondent knew of its closure. Respondent also failed to disclose the May 2, 2018, harassment conviction on the 2018 renewal application Respondent filed on May 16, 2018.
- f. The Investigator obtained a report from the National Association of Boards of Pharmacy (NABP) that indicated Respondent had not earned CE hours since June 2014. Respondent affirmed in his renewal applications from 2014-2019 that he had completed all CE hours required by the Board. The Investigator requested that Respondent provide documentation that he had completed the CE hours. Respondent refused to provide the documentation.
- g. Respondent prepared a statement to the Board, dated April 23, 2019. In his statement Respondent explained:
  - i. Respondent's attorney advised him that the harassment charge would not appear on a background check, so Respondent did not disclose the harassment charge on his renewal applications. Also, Respondent did not believe the charge needed to be reported because it did not involve actions connected to his pharmacy practices.
  - ii. Respondent was only able to find temporary employment for about two months out of the year, so he did not have a current primary place of practice to list on his renewal application.
  - iii. According to Respondent, CE hours are "reviewed/audited randomly," not as a result of an investigation; therefore, Respondent declined "a non-random audit."
  - iv. Respondent could not afford basic necessities due to his former CVS supervisor naming him on the Esteem database which effectively blacklisted him in the retail industry. Respondent was unable to secure employment in other sectors because he lacked sufficient experience. Respondent's depressed financial condition resulted in "several bouts with law enforcement."

- v. Respondent's former CVS supervisor should have considered the medications that Respondent took from CVS as medications issued in compliance with the emergency supply law.
  - h. On May 2, 2019, the Board issued an order suspending Respondent's license to practice pharmacy, temporarily, due to Respondent submitting renewal applications for 2016-2019 with false information, Respondent diverting medications, and Respondent failing to submit evidence of continuing education hours for 2016-2019.
  - i. Respondent supplemented his April 2019 statement with a letter sent to the Board via electronic mail on June 21, 2019. In his email, Respondent reiterated much of what he had previously stated in his April 2019 statement.
  - j. Respondent waives any further findings of fact with respect to this matter.
2. At the hearing, Respondent presented testimony consistent with the facts to which he stipulated above.

### **CONCLUSIONS OF LAW**

1. The Board has jurisdiction in this matter. Respondent acknowledged in the MOA, and the Board concludes, that Respondent's conduct admitted in the MOA presents grounds that constitute misconduct in that he violated S.C. Code Ann. §§ 40-1-110(1)(a); 40-43-86(DD)(5); 40-43-86(EE)(5); 40-43-140(A)(1)(a); and 40-43-140(A)(1)(a).
2. Upon finding that a licensee's conduct is grounds for discipline under any of the provisions of S.C. Code Ann. §§ 40-1-110 and/or 40-43-10 *et seq.*, the Board has the authority to issue a public reprimand, impose a fine, place a licensee on probation or restrict the individual's license, suspend the license for a definite or indefinite time, prescribe conditions to be met during probation, restriction, or suspension including but not limited to completion of additional education, a supervisory period, continuing education programs, or permanently revoke the individual's license to practice pharmacy or registration as a pharmacy technician in this State. Additionally, S.C. Code Regs. 99-46 provides that upon determination by the Board that one or more grounds for disciplining a licensee or permittee exist; the Board may impose a fine of \$500 per violation, not to exceed a total of \$25,000 per action, plus the costs of the disciplinary action.
3. The Board's duty is to protect the citizens of South Carolina. In this case, Respondent violated the most basic duty of a pharmacist by diverting medications. Further, he falsified his current job status, continuing education status, and arrests on his renewal applications provided to the Board.
4. Although Respondent suggests that these are minor errors or entirely defensible, the Board concludes that it is necessary for Respondent to correct the underlying violations, which the Board finds to be serious. Respondent must complete the continuing education requirements for the periods he falsified his application through the present. He must also complete Board-approved courses in ethics and pharmacy law.
5. Upon completing the above requirements, and no earlier than one year from the date of this hearing, Respondent may appear before the Board to determine whether his license may be

reinstated, and if it is, to determine what conditions/restrictions, if any, are necessary to protect the public at that time.

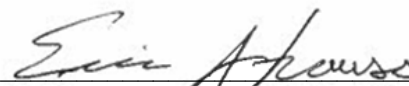
6. The sanctions and conditions imposed by this Order are within the scope of those permitted by S.C. Code Ann. §§ 40-1-120 and 40-43-150 and are designed not to punish the Respondent, but to protect the life, health and welfare of the public at large.

**IT IS THEREFORE ORDERED:**

1. The Board accepts the MOA.
2. Respondent's license is to remain in a suspended status for a minimum of one (1) year from the date of this hearing.
3. During the course of his suspension, Respondent must:
  - a. complete the continuing education requirements for the periods he falsified his application through the present;
  - b. complete a Board-approved ethics course;
  - c. complete a Board-approved pharmacy law course;
  - d. comply with all applicable current continuing education requirements; and
  - e. maintain strict compliance with any and all additional terms imposed by the Board.
4. Upon completing the above requirements, and no earlier than one year from the date of this hearing, Respondent may appear before the Board to determine whether his license may be reinstated, and if it is, to determine what conditions/restrictions, if any, are necessary to protect the public at that time.

**AND IT IS SO ORDERED.**

**STATE BOARD OF PHARMACY**

  
Eric J. Strauss, Pharm.D.  
Board Chair

June 26, 2020

**South Carolina Department of Labor, Licensing and Regulation**

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

In the Matter of:

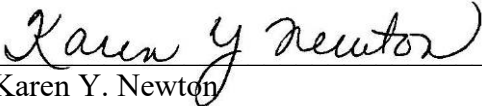
Darron W. Barksdale

PH . 8955

**CERTIFICATE OF SERVICE BY MAIL**

This is to certify that the undersigned has this date, June 29, 2020, served the Final Order in the above entitled action upon all parties to this cause via electronic mail, addressed to the party(ies) or their attorney(s) to the following address:

C. WILLIAM HINNANT, JR., ESQUIRE  
NETDOC37@AOL.COM

  
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Karen Y. Newton  
Paralegal  
SC Department of Labor, Licensing  
and Regulation