

STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY

IN THE MATTER OF)
) FINAL ORDER
TAMMY MOYER)
Technician Registration Number 14205)

THIS MATTER came on to be heard before the North Carolina Board of Pharmacy (the "Board") on June 17, 2008, pursuant to an Amended Notice of Hearing, dated May 22, 2008, and was heard by Board President Wallace E. Nelson and Board Members Rebecca W. Chater, Dr. J. Parker Chesson, Jr., Dr. Betty H. Dennis, L. Stan Haywood and Robert McLaughlin, Jr. at the offices of the North Carolina Board of Pharmacy. Board staff was represented by Clinton R. Pinyan. Although Ms. Moyer was provided notice of the hearing, she did not attend. The Board heard testimony of Matt Pistel and Jason Smith and received exhibits offered without objection by the Board staff. Considering the testimony and evidence, the Board hereby makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. From July 5, 2005 through January 16, 2007, Tammy Moyer held technician registration number 14205 from the Board.
2. During the relevant time period, Ms. Moyer was employed as a pharmacy technician at Walgreens, 2109 North Main Street, High Point, North Carolina (Permit Number 7920).
3. In September 2006, Matt Pistel, who works in loss prevention for Walgreens, reviewed internal reports suggesting that large numbers of Alprazolam 2 mg were potentially missing from the subject Walgreens.

4. Mr. Pistel subsequently went to the store to perform an on-hand count and determined that in excess of a thousand dosage units of Alprazolam 2 mg were missing.

5. Mr. Pistel reviewed videotape from the subject Walgreens. On the videotape for September 27, 2006, he observed Ms. Moyer walk into an aisle of shelves, observed a hand reach up for a stock bottle of controlled substances, and then observed Ms. Moyer emerge from the aisle and leave.

6. On October 2, 2006, the subject Walgreens received a large order of controlled substances. The order was unusual because it consisted of a high number of drugs, many of which were name brand drugs that were seldom dispensed at the subject Walgreens. Shortly after the order was received, Mr. Pistel determined that some of these controlled substances were now missing.

7. On that same date, Ms. Moyer admitted that, between June 2006 and August 2006, she had diverted 2 bottles of Valium 5 mg, 4 bottles of Hydrocodone/APAP 10/660 mg and approximately 5 bottles of Alprazolam 2 mg, for a total of about 1100 dosage units of schedule III and IV controlled substances. Ms. Moyer wrote out a voluntary statement in which she admitted that she diverted the controlled substances in order to sell them to relieve financial pressures.

8. On that same date, the High Point Police Department arrested Ms. Moyer and charged her with felony counts. After the arrest, two bottles of controlled substances were found in Ms. Moyer's car.

9. Walgreens' drug movement reports reveal that there were actual losses from the subject Walgreens of over 4000 dosage units of controlled substances during the period from about June 2006 to October 2006. Those losses stopped after Ms. Moyer's arrest.

10. On December 1, 2006, Ms. Moyer was interviewed by Jason Smith, an investigator for the Board. During that interview, Ms. Moyer denied having diverted any controlled substances and denied having admitted to Walgreens that she had diverted controlled substances.

11. On January 16, 2007, the Board issued an order summarily suspending Ms. Moyer's technician registration.

12. On January 21, 2007, Ms. Moyer entered into a Felony Drug Diversion Program Deferral Agreement. In that agreement, Ms. Moyer admitted that she was guilty of the criminal charges against her for diversion of controlled substances from the subject Walgreens.

13. On May 22, 2008, the Board staff served an Amended Notice of Hearing on Ms. Moyer by certified U.S. mail. On May 23, 2008, Ms. Moyer received that Amended Notice of Hearing.

CONCLUSIONS OF LAW

1. The evidence demonstrates that Ms. Moyer violated one or more of the following statutes and rules:

- a. North Carolina General Statutes § 90-85.15A(d)(5);
- b. North Carolina General Statutes § 90-106;
- c. North Carolina General Statutes § 90-108;
- d. North Carolina General Statutes § 106-122;
- e. North Carolina General Statutes § 106-134;
- f. North Carolina General Statutes § 106-134.1;
- g. 21 N.C.A.C. 46 .1805;
- h. 21 U.S.C. § 331;

- i. 21 U.S.C. § 352;
- j. 21 U.S.C. § 353;
- k. 21 U.S.C. § 841;
- l. 21 U.S.C. § 842; and
- m. 21 U.S.C. § 843.

2. Considering all of the facts and circumstances of this matter, the Board finds and concludes that the discipline set forth in this Final Order is appropriate.

WHEREFORE, it is hereby ORDERED, ADJUDGED and DECREED that Ms. Moyer's request that her summary suspension be terminated and her technician registration be reinstated is hereby DENIED, and

It is further hereby ORDERED, ADJUDGED AND DECREED that Board staff's request for discipline is hereby GRANTED, and Ms. Moyer's technician registration is hereby REVOKED.

This, the 17th day of June, 2008.

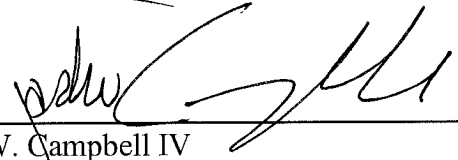
NORTH CAROLINA BOARD OF PHARMACY

By: 

Jack W. Campbell, IV
Executive Director

CERTIFICATE OF SERVICE

I certify that on June 19, 2008, I caused a copy of this Final Order to be served on Petitioner by registered mail, return-receipt requested.



Jack W. Campbell IV
Executive Director