

STATE OF NORTH CAROLINA  
NORTH CAROLINA BOARD OF PHARMACY

IN THE MATTER OF )

PIEDMONT PLAZA PHARMACY )  
Permit No. 5465 )

**CONSENT ORDER**

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THIS MATTER came on for consideration at a prehearing conference (hereinafter, "conference") pursuant to 21 N.C.A.C. 46 .2008. This conference was scheduled for January 17, 2011 and, after appropriate notice, was heard on that day at the office of the North Carolina Board of Pharmacy (hereinafter, "Board") by Board member Parker Chesson. Respondent Piedmont Plaze Pharmacy (Permit No. 5464) ("Respondent Pharmacy") was present at the conference vis its pharmacy manager Melissa Rumble (License No. 16877). Board Executive Director Jack W. Campbell IV and members of the Board's investigative staff were present at this conference.

**FINDINGS OF FACT**

1. Respondent Pharmacy holds North Carolina Pharmacy Permit No. 5465 and is located at 1 Piedmont Plaza, 1920 West First Street, Winston-Salem, NC 27104.
2. Respondent Pharmacy's pharmacist manager is Melissa Rumble, who holds North Carolina license to practice pharmacy No. 16877.
2. Julie Myers worked full time as a pharmacy technician at Respondent Pharmacy and was employed at the pharmacy until May 2010.

3. Technician Myers was primarily responsible for placing the Respondent Pharmacy's controlled substance orders. When placing these orders, Technician Myers typically used DEA Form 222s had been pre-signed by Rumble to order Schedule II controlled substances.

4. Technician Myers would, by various means, intercept controlled substances that she ordered and divert them for personal use. Technician Myers' diversion was facilitated in part by Rumble's failure to confirm controlled substance orders when placed or to check controlled substance orders when received.

5. Technician Myers also manipulated and/or destroyed the Respondent Pharmacy's controlled substance inventory records – both paper and on-line – to facilitate her diversion activities. During Technician Myers' diversion activities, Respondent Pharmacy did not have in place in policies and procedures for checking controlled substance inventory records in the pharmacy.

6. In May 2010, while Technician Myers was on vacation, another pharmacy technician noticed a discrepancy between the amount of a Schedule II controlled substance shown on the pharmacy's inventory and the much smaller amount found on the pharmacy's shelves.

7. Investigation of this discrepancy produced evidence of Technician Myers' diversion. Ultimately, it was determined that nearly 20,000 dosage units of Schedule II controlled substances could not be accounted for.

8. The Board of Pharmacy summarily suspended Technician Myers' registration. Technician Myers has been charged criminally for her diversion.

7. Respondent Pharmacy admits that it failed to maintain an adequate system of record-keeping and control in order to prevent or detect the diversion or loss of medications, including controlled substances, and pharmacy technicians were not adequately supervised.

9. Following the discovery of Technician Myers' diversion, Respondent Pharmacy instituted a number of changes designed to prevent similar activities including: stricter supervision of technician ordering and receipt of controlled substances; tighter physical security of the pharmacy's controlled substance inventory; and tighter control of access to the pharmacy generally and the narcotics storage area specifically. Since implementation of these changes, there is no evidence that further diversion has occurred.

**CONCLUSIONS OF LAW**

Based on the above findings, the Board concludes as a matter of law:

1. Respondent Pharmacy violated N.C. Gen. Stat. §§ 90-85.38(a)(6), (7), and (b); 90-85.40(f), 90-104, 90-106, 90-108, and 106-134.1.
2. Respondent Pharmacy admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on its permit under N.C. Gen. Stat. § 90-85.38.

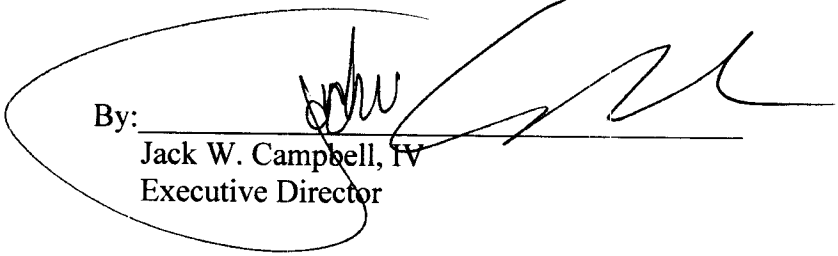
Based on the foregoing, and with the consent of the parties, IT IS THEREFORE ORDERED that:

1. Respondent Pharmacy, with Permit Number 5465, is hereby REPRIMANDED for the aforementioned violations of law.

This the 15<sup>th</sup> day of February 2011.

NORTH CAROLINA BOARD OF PHARMACY

By: \_\_\_\_\_

  
Jack W. Campbell, IV  
Executive Director

Piedmont Plaza Pharmacy, the holder of permit number 05465, has full knowledge that it has the right to a hearing, at which it would have the right to be represented at its expense by counsel, in this matter. The undersigned freely, knowingly and voluntarily waives such right by entering into this Consent Order.

The undersigned understands and agrees that by entering into this Consent Order, it certifies that it has read the foregoing Consent Order and that it voluntarily consents to the terms and conditions set forth therein and relinquishes any right to judicial review of Board actions which may be taken concerning this matter.

The undersigned further understands that should it violate the terms and conditions of this Consent Order, the Board may take additional disciplinary action.

The undersigned understands and agrees that this Consent Order will not become effective unless and until approved by the Board.

The undersigned understands that it has the right to have counsel of its choice review and advise her with respect to her rights and this Consent Order, and represents that it enters this Consent Order after consultation with counsel or after knowingly and voluntarily choosing not to consult with counsel.

ACCEPTED AND CONSENTED TO BY:

PIEDMONT PLAZA PHARMACY (Permit No. 5465)

By:

Melissa Rumpel Date 2/4/11

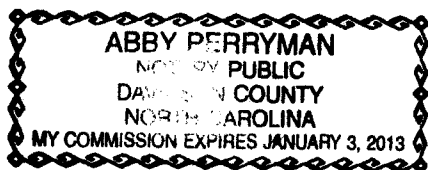
STATE OF North Carolina

Davidson COUNTY

I, the undersigned Notary Public of the County and State aforesaid, do hereby certify that the following person personally appeared before me this day and acknowledged the due execution of the foregoing document: Melissa Rumpel

Date: 2/4/2011

Abby Perryman  
Notary Public



My commission expires: January 3, 2013

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REJECTED BY:

PIEDMONT PLAZA PHARMACY (Permit No. 5465)

By:

\_\_\_\_\_ Date \_\_\_\_\_