

STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY

IN THE MATTER OF)

MICHELE FARRINGTON)
License No. 9524)

CONSENT ORDER

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 April 14, 2008 and, after appropriate notice, was heard on that day at the office of the North Carolina Board of Pharmacy (hereinafter, "Board") by Board member Wallace E. Nelson. Respondent Michele Farrington (License No. 9524) ("Respondent") was present at the conference and represented by counsel, Douglas Brocker. Board Counsel Katherine A. Soles and members of the Board's investigative and legal staff were present at this conference, as was a related respondent.

FINDINGS OF FACT

1. Since 2000, Respondent has served as pharmacy manager of Almand's Drug Stores (Permit No. 2981), Westridge Village Shopping Center, 3621 Sunset Avenue, Rocky Mount, North Carolina.
2. From approximately October 2005 to April 2007, Technician Morgan Jones worked full time as a pharmacy technician at Almand's, supervised by Respondent.
3. While supervised by Respondent, Technician Jones frequently placed orders for the pharmacy. When placing these orders, Technician Jones would order additional dosage units of controlled substances. On some occasions, Technician Jones ordered these additional

controlled substances with the ordering gun that was used to order over-the-counter items for the front of the store. Technician Jones would then intercept the additional medication when it was received by the pharmacy, conceal the medication bottles in her purse, and remove them from the pharmacy. On other occasions, she would order the controlled substances with the pharmacy orders and would divert them from the pharmacy.

4. On April 3, 2007, Technician Jones was arrested for selling 2,000 dosage units of Alprazolam 1mg. Jones admitted that she had diverted approximately 25,000 to 35,000 dosage units of Alprazolam 1mg from Almand's over the course of a one (1) year period while supervised by Respondent.

5. On April 3, 2007, the Board's investigator conducted a preliminary audit of Almand's controlled substances inventory. The audit revealed a 108,981 dosage unit shortage of Alprazolam 1mg and 309 dosage unit shortage of Xanax XR 1 mg. A complete controlled substances inventory that was conducted on April 20, 2007 revealed additional shortages of other controlled substances.

6. The evidence supports a finding that Technician Jones diverted many more controlled substances, both in type and in amount, than the 25,000 to 35,000 dosage units of Alprazolam 1 mg that she admitted to diverting.

7. Respondent admits that she 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 that she failed to adequately supervise technicians.

9. Following the arrest of Technician Jones, Respondent put a number of security measures in place at Almand's.

CONCLUSIONS OF LAW

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

1. Respondent violated N.C. Gen. Stat. §§ 90-85.38(a)(6) and (7), 90-85.40(f), 90-104, 90-106, 90-108, and 106-134.1; and 21 N.C.A.C. 46 .1805 and 46 .2502(a) and (d).
2. Respondent admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on her license 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, with License Number 9524, is hereby REPRIMANDED for the aforementioned violations of law;
2. Responder shall advise the Board promptly in writing of any change of address or change in practice status.
3. Respondent shall violate no laws governing the practice of pharmacy of the distribution of drugs.
4. Respondent shall violate no rules or regulations of the Board.

If Respondent fails to comply with any terms or conditions of this Order, Respondent may be subject to additional disciplinary action by the Board.

This the 12th day of June 2008.

NORTH CAROLINA BOARD OF PHARMACY

By: 

Jay W. Campbell, IV
Executive Director

Michele Farrington, the holder of license number 9524, has full knowledge that she 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, she certifies that she has read the foregoing Consent Order and that she 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 she 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 she has the right to have counsel of her choice review and advise her with respect to her rights and this Consent Order, and represents that she enters this Consent Order after consultation with her counsel or after knowingly and voluntarily choosing not to consult with counsel.

ACCEPTED AND CONSENTED TO BY:

MICHELE FARRINGTON (License No. 9524)

Michele Farrington Date 5-7-8

STATE OF NC

Nash 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: Michele Farrington

Date: 5-7-08

Darla P. Bowles
Notary Public

DARLA P BOWLES
Notary Public
Nash County
North Carolina

My commission expires: 10-15-11
