

STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY

IN THE MATTER OF)

MELISSA RUMPLE)
License No. 16877)

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 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 Melissa Rumble (License No. 16877) ("Respondent") was present at the conference. Board Executive Director Jack W. Campbell IV and members of the Board's investigative staff were present at this conference.

FINDINGS OF FACT

1. Since late March 2009, Respondent has served as pharmacist manager of Piedmont Plaza Pharmacy (Permit No. 5465), 1 Piedmont Plaza, 1920 West First Street, Winston-Salem, NC 27104.
2. Julie Myers worked full time as a pharmacy technician at Piedmont Plaza Pharmacy at the time Respondent began service as pharmacist manager, and was employed at the pharmacy until May 2010.
3. While supervised by Respondent, Technician Myers was primarily responsible for placing the pharmacy's controlled substance orders. When placing these orders, Technician

Myers typically used DEA Form 222s that Respondent had pre-signed 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 Respondent'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 pharmacy's controlled substance inventory records – both paper and on-line – to facilitate her diversion activities. During Technician Myers' diversion activities, Respondent 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 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 discovery of Technician Myers' diversion, Respondent instituted a number of changes at the pharmacy 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 Respondent's 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 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 .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 16877, is hereby REPRIMANDED for the aforementioned violations of law.

This the 15th day of February 2011.

NORTH CAROLINA BOARD OF PHARMACY

By: 
Jack W. Campbell, IV
Executive Director

Melissa Rumples, the holder of license number 16877, 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:

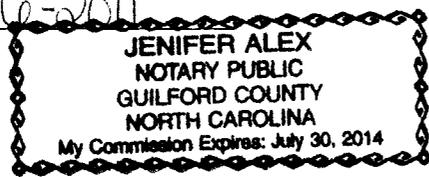
MELISSA RUMPLE (License No. 16877)

Melissa Rumples Date 1/26/11

STATE OF North Carolina
Forsyth 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 Rumples

Date: 1-26-2011



Jenifer Alex
Notary Public
Jenifer Alex

My commission expires: July 30, 2014

REJECTED BY:

MELISSA RUMPLE (License No. 16877)

_____ Date _____