

**STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY**

IN THE MATTER OF

**Rachel Alison Stephens
(License No. 23213)**

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**CONSENT ORDER OF
DISCIPLINE**

THIS MATTER came on to be considered at a prehearing conference (hereinafter, "Conference") before a member of the North Carolina Board of Pharmacy (hereinafter, the "Board") pursuant to 21 N.C.A.C. 46 .2008. The Conference was scheduled for September 14, 2015, and, after appropriate notice, was heard on that day by Board member L. Stan Haywood at the offices of the Board. Respondent Rachel Alison Stephens (License No. 23213) (hereinafter, "Respondent") was present at the Conference. Counsel Andrew L. Rodenbough represented the Board. Members of the Board's investigative staff were also present at the Conference.

Respondent has agreed to waive a formal hearing in the above-referenced matter. Both parties stipulate and agree to the findings of fact and conclusions of law recited herein and to the order of discipline imposed. By her consent, Respondent also stipulates that she waives her right to appeal this Consent Order or challenge in any way the sufficiency of the findings of this Order. Based upon the consent of the parties, the Board hereby enters the following:

FINDINGS OF FACT

1. The North Carolina Board of Pharmacy is a body duly organized under the laws of North Carolina and is the proper body for this proceeding under the authority granted it in Chapter 90 of the General Statutes of North Carolina, and the rules and regulations promulgated thereunder.

2. Respondent is currently a pharmacist licensed to practice pharmacy in the State of North Carolina with License No. 23213. At the relevant time, Respondent was employed as a pharmacist-manager at Kerr Drugs (later Walgreens Pharmacy), Permit No. 11695, located at 811 North Brown Street, Chadbourn, North Carolina (the "Pharmacy"). Respondent is and was, at all relevant times referenced to herein, subject to the rules and regulations of the North Carolina Board of Pharmacy and the laws of the State of North Carolina.

3. Respondent was the pharmacist-manager at the Pharmacy beginning on June 14, 2013, when she became a licensed pharmacist, until she resigned on March 7, 2014.

4. During at least part of the time that she was employed at the Pharmacy, Respondent also worked part-time at McNeill's Pharmacy, Permit No. 04935, in Whiteville, North Carolina. After resigning from her position as pharmacist-manager at the Pharmacy, Respondent continued to work at McNeill's.

5. On March 5, 2014, a detective with the Columbus County Sheriff's Department filed a complaint with the Board alleging that oxycodone products were being diverted from the Pharmacy.

6. On March 6, 2014, board investigative personnel and the Sheriff's Department conducted an audit of the Pharmacy's oxycodone products. That audit revealed that the Pharmacy had overages and shortages with respect to several different oxycodone products with a collective shortage of over 3,300 dosage units. Specifically, 4,520 dosage units of the 6,635 units of oxycodone 30mg that the Pharmacy should have had on hand (approximately 68% of the total amount) were unaccounted for.

7. Respondent is unable to explain the shortages of oxycodone products at the Pharmacy.

8. An inspection conducted by Board investigative staff on March 6, 2014, further revealed that the floors and countertops at the Pharmacy were not kept in a clean and sanitary condition, and that loose pills were observed on the floor of the Pharmacy.

9. Multiple customers at the Pharmacy reported pill shortages in Schedule II medications, including oxycodone products, which were dispensed by Respondent. Respondent in at least some cases failed to document those shortages when they were reported by customers.

10. Respondent admits that when the Pharmacy changed ownership (from Kerr Drugs to Walgreens) in late 2013, she did not initially maintain adequate inventory of Schedule II medications for the Pharmacy.

11. When inspected by Board investigative personnel on March 7, 2014, the inventory logs prepared by Respondent were incomplete and out of order.

12. Respondent was observed removing inventory logs and prescriptions for Schedule II substances from the Pharmacy by other Pharmacy employees, and Respondent admitted to taking logs and prescriptions to her residence to work on them at home.

CONCLUSIONS OF LAW

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

1. Respondent violated N.C. Gen. Stat. §§ 90-85.26(b), 90-85.38(a)(6), (7), and (9), 90-85.40(b) and (f), and 90-108; 21 N.C.A.C. 46.1601(a)(5), 46.1803, 46.2302, 46.2305, and 46.2502; 21 CFR 1304.11(a); and 21 U.S.C. §§ 827 and 842.

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 the license of Respondent, License No. 23213, is hereby SUSPENDED INDEFINITELY. That suspension is STAYED upon the following conditions:

- i. Respondent must undergo an assessment by the authorized peer review organization approved by the Board, which is currently the North Carolina Pharmacist Recovery Network ("NCPRN"), within thirty (30) days of the date that the Executive Director executes this Order after Board approval;
- ii. Respondent must promptly comply with any and all recommendations of the personnel conducting Respondent's assessment, as well as all recommendations of the authorized peer review organization (both before and after the assessment);
- iii. Within ninety (90) days of the date that the Executive Director executes this Order after Board approval, Respondent shall take and pass the Multistate Pharmacy Jurisprudence Examination "(MPJE)"; and
- iv. If Respondent fails to comply with any condition listed in (i) through (iii) above within the time allotted for the completion of such condition, her suspension shall immediately become active and her license shall remain suspended indefinitely. Upon notification by the Board staff of a failure to comply with the conditions of this Order, within five (5) days, Respondent shall surrender her license and wallet card to the Executive Director.

This the 20th day of October, 2015.

NORTH CAROLINA BOARD OF PHARMACY

By:



Jack W. Campbell, IV
Executive Director

Rachel Alison Stephens, the holder of license number 23213, has full knowledge that she has the right to a formal hearing, at which she would have the right to be represented at her 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.

CONSENTED TO BY:

Rachel Alison Stephens

Date 10/20/15

Rachel Alison Stephens
(License No. 23213)

NORTH CAROLINA

Chatham 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: Rachel Alison Stephens.

Date: 10/20/2015

Stacie P. Mason
Notary Public
Stacie P. Mason

My commission expires: 9/20/2017



OBJECTED TO BY:

Rachel Alison Stephens

Date

(License No. 23213)