

**STATE OF NEW HAMPSHIRE
OFFICE OF PROFESSIONAL
LICENSURE AND CERTIFICATION**

BOARD OF PHARMACY

**In Re: Richard Crowe,
Pharmacist Lic. #R1297**

Docket No.: 2022-PHARM-001

**ORDER OF EMERGENCY
SUSPENSION – 03/30/22**

I. CASE SUMMARY/PROCEDURAL HISTORY:

On or about 01/31/22 and 02/04/22, the Office of Professional Licensure and Certification, Division of Enforcement (“OPLC Enforcement”), acting on behalf of the Board of Pharmacy (“Board”), received complaints relative to diversion of fentanyl from the Intensive Care Unit (“ICU”) at Cheshire Medical Center in Cheshire, New Hampshire (“Hospital”). Enforcement’s investigation into those complaints later implicated Richard Crowe (“Licensee”) as having played an integral role in the diversion and/or failure to report the diversion of the aforementioned controlled substances. On 03/30/22, the Board held an emergency meeting pursuant to RSA 318:30-a, and N.H. Code Admin. R., Title Ph 204.06 (“Rules”) and voted to suspend Licensee’s license on an emergency basis.

In cases involving imminent danger to life or health, the board may order suspension of a license, permit, registration, certification, or privilege granted under this chapter pending hearing for a period of no more than 60 days.

RSA 318:30-a.

On 03/30/22, Commissioner Laliberte, Board Member, acted as presiding officer under N.H. Code Admin. R. Ph Rule 201.02(g) (“Rules”). The Board’s President, Commissioner Genovese, recused himself from this matter, left the meeting, and did not participate.

II. EVIDENCE PRESENTED AND CONDUCT OF HEARING:

The Board was presented with a 03/28/22 Confidential Memorandum from Michael Porter, Esq., Investigations Bureau Chief at OPLC Enforcement, and an offer of proof presented by Michael Porter, Esq., and OPLC Investigators Elsa Croteau and Kaitlyn Simoneau. A review of the evidence presented, and the reasonable inferences taken therefrom, allows the Board to find as follows below.

The Licensee is actively licensed in New Hampshire as a registered pharmacist with license number # R1297. OPLC Enforcement received multiple complaints relative to diversion of fentanyl from the ICU at the Hospital on or about 01/31/22 and 02/04/22, where Licensee worked as a pharmacist until 02/24/22. As part of the complaint process, Pharmacy Inspector Elsa Croteau received a required diversion report and a complaint from the Hospital. The Hospital complaint listed the name of a New Hampshire registered nurse who had admitted to diversion of fentanyl from the Hospital's ICU. Later in the same day that the Hospital's complaint was received, the subject nurse self-reported her conduct to OPLC Enforcement. In a subsequent telephone conversation with OPLC Enforcement, the nurse admitted to diverting hundreds of bags of fentanyl from the Hospital's ICU. That nurse subsequently executed a Preliminary Agreement Not to Practice.

Since 02/02/22, OPLC Enforcement has received a controlled drug loss form and two supplemental controlled drug loss forms from the Hospital. Each subsequently filed form has documented additional diversion of fentanyl that was previously unknown and/or unreported. The Licensee's supervisor at the Hospital, Pharmacist in Charge Melissa Siciliano, completed the initial report and the first supplemental report. On 03/08/22, the day the first supplemental controlled drug loss form was filed, Investigators Croteau and Simoneau met with Ms. Siciliano, Hospital nurse management members, and legal representative for the Hospital. During this conversation, the investigators learned that Licensee was responsible for reconciling the controlled substance reports for the Hospital's pharmacy between 09/21

and 02/22. Although some of those present for the meeting noted that complications with the COVID-19 surge had created documentation issues for controlled substances and the Hospital had recently switched controlled substance reconciliation technology, Ms. Siciliano explained that she never felt Mr. Crowe was incompetent to handle the process. The company providing the new reconciliation technology had even provided some additional training. Moreover, Ms. Siciliano also indicated that while she periodically checked in with Licensee about reconciliation, she never requested any proof of his record keeping beyond his assurances he was handling it. Nurse management staff also noted that no one from the pharmacy approached them regarding any discrepancies. The discrepancies were also never reported to management. From the information available, it appears as though Mr. Crowe cleared out discrepancies on the daily reconciliation reports without proper documentation of orders linked to them.

OPLC Enforcement has had further communications with other law enforcement agencies and the Hospital on this situation which reveal this is a multi-agency, multi-jurisdictional investigation involving the diversion of a substantial quantity of controlled substances, including but not limited to fentanyl. These controlled substances appear to have made their way to the public. While the Licensee is no longer employed by the Hospital pharmacy, he is actively employed by another pharmacy.

III. DISCUSSION AND FINDINGS OF FACTS / CONCLUSIONS OF LAW:

After considering the evidence, the Board finds there is a reasonable basis to suspend the Licensee's New Hampshire license on an emergency basis. There are sufficient facts to prove that Licensee has engaged in serious professional misconduct, including either participating in the diversion of fentanyl, and/or failing to identify the diversion of a substantial quantity of fentanyl since September of 2021 and reporting same to appropriate authorities. Such conduct appears to be a violation of RSAs 318:29, II(c) and/or (d). The Licensee's conduct on its face and the potential consequences to the public

demonstrate the Licensee poses an imminent danger to life or health, so as to warrant immediate emergency suspension pursuant to RSA 318:30-a and Rule 204.06.

IV. CONCLUSION AND DECISION:

Pursuant to RSA 318:30-a and Rule 204.06, the Board hereby orders the immediate emergency suspension of Richard Crowe's license as a Pharmacist, pending a follow up emergency hearing in this matter. A Notice of Emergency Hearing with an appropriate date/time shall follow forthwith.

DATED: 4/4/2022

_____/s/ Nikolas Frye, Esq._____
Hearings Examiner
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