

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

BOARD OF PHARMACY

**In Re: Rebecca Crawford, CPHT
License No. CPHT-128304**

Docket No.: 23-PHARM-019

**ORDER OF EMERGENCY
SUSPENSION – 12/20/2023**

I. CASE SUMMARY/PROCEDURAL HISTORY:

On or about 12/19/2023, the Office of Professional Licensure and Certification, Division of Enforcement (“OPLC Enforcement”) filed a Verified Petition for Emergency Temporary Suspension of Licensure Pursuant to RSA 310:12, IV and N.H. Code Admin.R. Title Plc 206.07 pertaining to Rebecca Crawford, Certified Pharmacy Technician (“Licensee”). On 12/20/23, the Board voted to suspend the Licensee’s privilege to practice in New Hampshire on an emergency basis pursuant RSA 310:12, IV and N.H. Code Admin. R., Title Plc 206.07 (“Plc”) (“Rules”). This Order of Emergency Suspension follows.

II. LEGAL STANDARD:

“In cases involving imminent danger to public health, safety, or welfare, a board may order immediate suspension of a license or certification pending an adjudicative proceeding before the board to determine if the suspension should remain in place pending final adjudication of the matter.” RSA 310:12, IV. The Office of Professional Licensure and Certification has further interpreted that to mean that the Board “... shall issue an order that immediately suspends the Licensee’s license based on: (1) [a] determination that there is a reasonable basis to believe that public health, safety, or welfare requires emergency action...” Rule 206.07(a)(1).

III. EVIDENCE PRESENTED AND FINDINGS OF FACT:

A. Evidence Presented

The Board was presented with and/or considered the following evidence: the 12/19/23 Verified Petition for Emergency Temporary Suspension of Licensure Pursuant to RSA 310:12, IV and N.H. Code Admin.R. Title Plc 206.07 pertaining to the Licensee (“Verified Petition”), which was filed by Michael Porter, Investigations Bureau Chief OPLC-Division of Enforcement. The Board also relied on its expertise in the field it regulates. A review of the evidence presented, and the reasonable inferences taken there from, allows the Board to find the following facts.

B. Findings of Fact

The Board hereby adopts and incorporates by reference into its findings of fact the factual allegations contained in paragraphs 1 through 12 and 16, 18, 19, 21 of the Verified Petition for Emergency Suspension filed by Michael Porter, Investigations Bureau Chief OPLC-Division of Enforcement, which is attached hereto.

IV. CONCLUSIONS OF LAW:

The Board concludes there is a reasonable basis to suspend the Licensee’s New Hampshire license on an emergency basis pursuant to RSA 310:12, IV. The fundamental facts are straightforward. The Licensee admitted to CVS investigators to removing two (2) Dextroamphetamine – Amphetamine pills from a container of 28 pills from a pending prescription pick-up and placing them in her pocket while working as a Certified Pharmacy Technician at CVS Store # 00640 on December 9, 2023. The remaining 26 pills in the container were compromised because of the Licensee’s actions and are therefore considered to have been diverted, possessed, or stolen by the Licensee. The Licensee admitted that she had taken Ondansetron tablets off the shelf without a prescription, as well. The Licensee currently holds an active license to practice as a CPHT and is eligible to work as a CPHT in the State of New Hampshire unless or until her

ability to do so has been suspended or revoked. The Licensee's conduct, on its face, warrants immediate emergency suspension of her registration pursuant to RSA 310:12, IV and Rule 206.07, pending a follow-up emergency suspension hearing/disciplinary hearing.

V. ORDER:

Pursuant to RSA 310:12, IV and Rule 206.07(a), the Board hereby orders the immediate emergency suspension of Rebecca Crawford's registration as a Certified Pharmacy Technician, pending a follow up emergency hearing in this matter. A Notice of Emergency Hearing with an appropriate date/time shall follow forthwith.

DATED: 12/20/2023

/s/ Brenda Golden Hallisey
Brenda Golden Hallisey, Esq.
Presiding Officer
New Hampshire Office of
Professional Licensure & Certification
7 Eagle Square
Concord, NH 03301

STATE OF NEW HAMPSHIRE
NEW HAMPSHIRE BOARD OF PHARMACY

In The Matter Of:

Rebecca Crawford, CPHT
No. CPHT-128304

VERIFIED PETITION FOR EMERGENCY TEMPORARY SUSPENSION OF
LICENSURE PURSUANT TO RSA 310: 12, IV AND N.H. CODE ADMIN. R. TITLE
PLC 206.07

NOW COMES, THE Office of Professional Licensure and Certification (“OPLC”), Division of Enforcement (“Division”), and hereby petitions the New Hampshire Board of Pharmacy (“Board”) to emergently suspend the certification of Rebecca Crawford (“Respondent”), a Certified Pharmacy Technician (“CPHT”) stating in support as follows:

BACKGROUND

1. The Board of Pharmacy first granted the Respondent Registration as a CPHT on 8/13/2022.
2. The Respondent’s Registration to practice expires 3/31/2025.
3. Prior to holding certification as a Pharmacy Technician, the Respondent was a Registered Pharmacy Technician originally registered on 7/20/2021 until 8/31/2022.
4. On Friday, 12/15/2023, Brandon Fusaro, Pharm D, RPH, CVS Health District Leader, emailed Elsa Croteau to inform Inspector Croteau of a controlled drug loss involving the Respondent.
5. Insp. Croteau is unavailable, so Pharmacy Chief Inspector Kaitlyn Simoneau received the email.
6. Fusaro reported that on or about 12/9/2023, the Respondent was working at CVS Store # 00640, Keene, NH in her capacity as a Certified Pharmacy Technician.

7. The Respondent removed 2 Dextroamphetamine-Amphetamine pills(20 mg each) from a bottle containing 28 pills.
8. The Dextroamphetamine-Amphetamine pills were in a prescription container (28 count) waiting to be picked up and the Respondent picked up the bottle from the pharmacy and took it in to the bathroom where she removed 2- 20 mg Dextroamphetamine-Amphetamine pills from the bottle and put them in her pocket.
9. Upon exiting from the bathroom, Pharmacy Manager Lisa Bergeron confronted the Respondent and recovered all the tablets.
10. The Respondent was suspended from employment, and following a full investigation the Respondent was terminated from employment with CVS.
11. The Respondent admitted her wrongdoing to CVS investigators and further admitted to taking Ondansetron tablets off the shelf without a prescription.
12. On 12/14/2023, Pharmacy Manager Lisa Bergeron filed a NH Controlled Drug Loss form with the Board of Pharmacy indicating the loss of Dextroamphetamine-Amphetamine, 20 mg, 28 tabs as a result of employee theft.
13. Division Investigators Brendon White and Kristen Eustace have been assigned to work with Pharmacy Chief Inspector, Kaitlyn Simoneau.
14. Division Investigators are preparing a subpoena for additional written documents from CVS Health.

15. Division Investigators conducted an interview with Pharmacy Manager Lisa Bergeron on 12/19/2023.
16. Division Investigators conducted an in-person interview with the Respondent on 12/19/2023, where she admitted to the allegations.

RSA 310: 12, IV¹

17. RSA 310: 12, IV, authorizes the emergency suspension of a professional license in cases involving imminent danger to the public health, safety, or welfare.
18. On or about 12/9/2023 the Respondent is alleged to have diverted, possessed, or stolen, without authority, Dextroamphetamine-Amphetamine, 20 mg when the Respondent grabbed a bottle of Dextroamphetamine-Amphetamine, 20 mg, 28 count, pills, went to the bathroom and pocketed 2 pills.
19. The remaining 26 pills have been compromised as a result of the Respondent's actions and are therefore considered to have been diverted, possessed, or stolen by the Respondent.

¹ IV. In cases involving imminent danger to public health, safety, or welfare, a board may order immediate suspension of a license or certification pending an adjudicative proceeding before the board to determine if the suspension should remain in place pending final adjudication of the matter, and which shall commence not later than 10 working days after the date of the order suspending the license unless the licensee or certified individual agrees in writing to a longer period. In such cases of immediate danger, the board shall comply with RSA 541-A:30.

20. It appears the Respondent is in violation of RSA 318-B:2 Acts Prohibited; specifically, RSA 318-B: 2, I, V(a), XII-a and N.H. Code Admin R. Ph 811.01 (a)(1), all serious offenses.²

21. While the Respondent is no longer employed as a CPHT at CVS Health in Keene, NH, the Respondent currently holds and active license to practice as a CPHT and is eligible to work as a CPHT in the State of New Hampshire unless or until her ability to do so has been suspended or revoked.

22. Based on the evidence provided by CVS Health District Leader, Brandon Fusaro and the NH Controlled Drug Loss form received from Pharmacy Supervisor Bergeron, the Respondent is and remains an imminent danger to the public health, safety, or welfare

² **318-B:2 Acts Prohibited. –**

I. It shall be unlawful for any person to manufacture, possess, have under his control, sell, purchase, prescribe, administer, or transport or possess with intent to sell, dispense, or compound any controlled drug, or controlled drug analog, or any preparation containing a controlled drug, except as authorized in this chapter.

V. No person shall obtain or attempt to obtain a controlled drug:

(a) By fraud, deceit, misrepresentation, or subterfuge;

XII-a. It shall be unlawful for any person to knowingly acquire, obtain possession of or attempt to acquire or obtain possession of a controlled drug by misrepresentation, fraud, forgery, deception or subterfuge. This prohibition includes the situation in which a person independently consults 2 or more practitioners for treatment solely to obtain additional controlled drugs or prescriptions for controlled drugs.

Ph 811.01 Effect of Revocation and Denial for a Certified Pharmacy Technician.

(a) The board shall refuse to issue a certification or, after notice and hearing, shall revoke a certification whenever the board finds, by the preponderance of the evidence, any of the following:

(1) That the applicant, or certified pharmacy technician, has violated any of the provisions of RSA 318, RSA 318-B, or the board's administrative rules;

requiring emergency suspension of her registration pending the outcome of the ongoing investigation and adjudication on this matter.

WHEREFORE, Michael Porter, Esq., Investigations Bureau Chief, OPLC-Division of Enforcement, on behalf of the Division, prays:

- A. The Board make a finding the Respondent is an imminent danger to the public health, safety, or welfare and emergently suspend the Respondent's Certification to practice as a Certified Pharmacy Technician consistent with RSA 310: 12, IV and Plc 206.07.
- B. The Board schedule an emergency hearing within 10 days consistent with RSA 310:12, IV.
- C. Grant further relief as justice requires.

I, attest and affirm the facts outlined in this *Verified* Petition for Emergency Suspension of Licensure pursuant to RSA 310:12, IV and Plc 206.07 are true and accurate to the best of my knowledge and belief.

Date: December 19, 2023

Respectfully Submitted,

/s/ Michael Porter

Michael Porter, Esq.

NH BAR 266285

Investigations Bureau Chief

OPLC-Division of Enforcement