

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

BOARD OF PHARMACY

**In Re: Ashley Ormandy, PhT
Pharm Tech Reg. # PhT-129262**

Docket No.: 23-PHARM-018

**ORDER OF EMERGENCY
SUSPENSION – 11/28/2023**

I. CASE SUMMARY/PROCEDURAL HISTORY:

On or about 11/27/2023, 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 Ashley Ormandy, Pharmacy Technician (“Licensee”). On 11/28/23, 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 respondent’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 11/27/23 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 1-16 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 central facts are straightforward— video footage from Rite Aid Security at 331 Main Street, Nashua, New Hampshire appears to show the Licensee concealing two vials of controlled substances from separate Will Call bags at the pharmacy while working there as a pharmacy technician. The Licensee's conduct, on its face, which is also being criminally investigated, 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 Ashley Ormandy’s registration as a 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: 11/28/2023

_____/s/ Nikolas Frye_____
Hearings Examiner
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:

**Ashley Ormandy, PhT
No. PhT-129262**

**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 registration of Ashley Ormandy (“Respondent”), a Registered Pharmacy Technician (“PhT”) stating in support as follows:

BACKGROUND

1. The Board of Pharmacy first granted the Respondent Registration as a PhT on 4/24/2023.
2. The Respondent’s Registration to practice expires 4/30/2025.
3. On or about 11/20/2023, the Division received a NH Controlled Drug Loss Form from Rite Aid Pharmacy, #10270, 331 Main Street, Nashua, NH.
4. It is alleged the theft of controlled substances occurred on or about 10/16/2023.
5. The Division was notified Rite Aid management suspects employee theft and Rite Aid security staff are reviewing video footage to determine who engaged in the theft.
6. On 11/22/2023, Rite Aid provided the Division with an investigation report whereby the Respondent was identified as the employee involved.
7. According to the report provided by Rite Aid, video footage confirms that on 10/16/2023 the Respondent concealed two vials from separate Will Call bags at the pharmacy.

8. The two vials contained Oxycodone 5MG, Quantity 10 each for a total of 20 Oxycodone pills described as RX 10270 2233631 Oxycodone 5 MG Quantity 10 and RX 10270 223808 Oxycodone 5MG Quantity 10.
9. Additional Oxycodone is missing from the Pharmacy, but the investigation could not tie the loss directly to the Respondent.
10. On or about 10/19/2023, three days after the Respondent is alleged to have engaged in theft of controlled substances, the Respondent sent a text message to the store manager, Jessica Gonzales, resigning her position as a PhT at Rite Aid effective immediately.
11. On 10/31/2023 Jessica Gonzalez attempted to contact the Respondent by telephone to see if the Respondent would come to the store in Nashua to discuss the incident related to theft of controlled substances and the Respondent did not answer her phone.
12. On 11/22/2023, Rite Aid provided the Division a still photo depicting the Respondent concealing items in the back of her pants.
13. Rite Aid has reported the loss to the DEA, Board of Pharmacy, and the Nashua, NH Police Department.
14. The Nashua Police Department has opened a case #23-70669-OF and assigned officer M. Medina to the matter.
15. On 11/22/2023, the Division called the Respondent and left a voice mail message requesting a return phone call.
16. On 11/27/2023, the Division emailed the Respondent requesting a telephone call to discuss the matter.

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 10/16/2023 the Respondent is alleged to have diverted, possessed, or stolen, without authority, Oxycodone 5 MG tablets, quantity (20).
19. The Respondent has not cooperated with the Rite Aid Loss Prevention investigation.
20. On 10/19/2023, three days after the discovery of the loss of controlled substances, the Respondent resigned her position as a PhT.
21. On 10/21/2023 the Respondent sent a lengthy text message to the store manager expressing that she was overwhelmed and struggling with mental health and other matters.
22. 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 806.01 (a)(1), all serious offenses.²

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.

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 806.01 Effect of Revocation and Denial for Registered Pharmacy Technicians.

23. While the Respondent is no longer employed as a PhT at Rite Aid in Nashua, NH, the Respondent currently holds and active license to practice as a PhT and is eligible to work as a PhT in the State of New Hampshire unless or until her ability to do so has been suspended or revoked.
24. Based on the evidence provided by Rite Aid, the Respondent is and remains an imminent danger to the public health, safety, or welfare requiring emergency suspension of her registration pending the outcome of the ongoing investigation and adjudication on this matter.
25. The Respondent is the subject of ongoing investigations by the Division, Nashua and the Nashua, NH Police Department.

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 Registration to practice as a Registered 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.

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

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

In the Matter of Ashley Ormandy, PhT
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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: November 27, 2023

Respectfully Submitted,

/s/ Michael Porter

Michael Porter, Esq.

NH BAR 266285

Investigations Bureau Chief

OPLC-Division of Enforcement