

State of New Hampshire

Board of Pharmacy  
Concord, New Hampshire

COPY

In the Matter of:  
**Amanda Allen, Pharmacy Tech**  
Registration No. PT5323  
(Adjudicatory Proceedings)

Docket No. 2013-11

**ORDER OF EMERGENCY REGISTRATION SUSPENSION**  
**AND NOTICE OF HEARING**

1. RSA 318:30-a authorizes the New Hampshire Board of Pharmacy (“Board”) to order the suspension of any license, permit, registration, certification, or privilege granted by the Board for no more than sixty (60) days pending completion of an adjudicatory proceeding, in cases involving imminent danger to life or health. In such cases, the Board must commence a hearing not later than thirty (30) days after the date of the emergency order. If the Board does not commence the hearing within thirty (30) days, the suspension order shall be automatically vacated. See RSA 318:30-a. The Board may not continue such a hearing without the consent of the registrant to the continuation of the emergency suspension. See RSA 318:30-a.

Postponement of the proceeding is prohibited unless the registrant agrees to continue the suspension pending issuance of the Board’s final decision. See RSA 318:30-a.

2. Amanda Allen, Pharmacy Technician (“Ms. Allen or “Respondent”), holds an active registration No. PT5323, issued on March 21, 2006, to practice as a pharmacy technician in the State of New Hampshire.

3. The Board has obtained information following an investigation indicating that Ms. Allen has regularly practiced while impaired from controlled substances, including as recently as July 6, 2013. Based on the evidence, the Board has determined that the Respondent's

continued practice as a pharmacy technician poses an imminent danger to life and/or health, which warrants the temporary suspension of the Respondent's registration to practice pending a hearing on whether permanent and/or temporary disciplinary sanctions should be imposed.

4. In support of this *Order of Emergency Registration Suspension and Notice of Hearing*, the Board alleges the following facts:

- A. Ms. Allen is a pharmacy technician registered by the New Hampshire Board of Pharmacy.
- B. Ms. Allen has admitted to investigators that she regularly practiced as a pharmacy technician at the Care Pharmacy in Epsom, New Hampshire while impaired from controlled substances.
- C. Ms. Allen has admitted to investigators that she currently has a drug problem.
- D. Ms. Allen has admitted to investigators that due to her existing drug problem, she believes that working as a pharmacy technician in proximity to controlled substances would be an issue for her.

5. Based upon the above information, the Board finds that this case involves imminent danger to life and/or health. Further, the Board believes there is a reasonable basis for immediately suspending Respondent's Registration on a temporary basis, and for commencing an expedited disciplinary proceeding against Respondent pursuant to RSA 318:30-a and 541-A:30, III.

6. The purpose of this proceeding will be to determine whether the Respondent has engaged in professional misconduct contrary to RSA 318:29, II and/or RSA 318:30-a and/or Ph 805.01, which warrants the continued imposition of a temporary suspension, the imposition of

permanent disciplinary sanctions, or both. The specific issues to be determined in this proceeding are:

- A. Whether the Respondent's alleged conduct in practicing while impaired as set forth above poses an imminent danger to life or health, in violation of RSA 318:29, II; and/or
- B. If the above allegation is proven, whether and to what extent, the Respondent should be subjected to one or more of the disciplinary sanctions authorized by RSA 318:29, IV.

7. While RSA 318:31, II requires that the Board furnish Respondent with at least fifteen (15) days notice of allegations of professional misconduct and the date, time and place of an adjudicatory hearing, RSA 318:30-a requires the Board to commence an adjudicatory hearing within thirty (30) days after the date of an immediate, temporary Registration suspension order.

8. The Board intends to complete this adjudicative proceeding within the sixty (60) day time period provided by RSA 318:30-a. Accordingly, neither the date of the initial evidentiary hearing nor the date for concluding this proceeding shall be postponed or extended unless Respondent agrees to continue the suspension period pending issuance of the Board's final decision in this matter. See RSA 318:30-a.

THEREFORE, IT IS ORDERED that the Respondent's New Hampshire registration to practice as a pharmacy technician is immediately suspended until further order of the Board; and,

IT IS FURTHER ORDERED that an adjudicatory proceeding shall commence for the purpose of resolving the issues articulated above pursuant to RSA 318:29; 318:30-a; 318:31, II; and 541-A:30, III. To the extent that this order or the Board's rules do not address an issue of procedure, the Board shall apply the New Hampshire Department of Justice Rules, Part 800; and,

IT IS FURTHER ORDERED that Amanda Allen, Pharmacy Technician, shall appear before the Board on Wednesday July 24, 2013 at 2:00 PM at the Board's office located at 57 Regional Drive, Concord, N.H., to participate in an adjudicatory hearing and, if deemed appropriate, be subject to sanctions pursuant to RSA 318:29, IV and/or Ph 805.01; and,

IT IS FURTHER ORDERED that if Respondent elects to be represented by counsel, at Respondent's own expense, said counsel shall file a notice of appearance at the earliest date possible; and,

IT IS FURTHER ORDERED that Respondent's failure to appear at the time and place specified above may result in the hearing being held *in absentia*, or the imposition of disciplinary sanctions without further notice or an opportunity to be heard, or both; and,

IT IS FURTHER ORDERED that Jeff Cahill, Senior Assistant Attorney General, N.H. Department of Justice, 33 Capitol Street, Concord, N.H., 03301 is appointed to act as Hearing Counsel in this matter with all the authority within the scope of RSA Chapter 318 to represent the public interest. Hearing Counsel shall have the status of a party to this proceeding; and,

IT IS FURTHER ORDERED that Board President Vahrij Manoukian or any other person whom he may designate, shall act as presiding officer in this proceeding; and,

IT IS FURTHER ORDERED that any proposed exhibits, motions or other documents intended to become part of the record in this proceeding, be filed by the proponent with the Board, in the form of an original and seven (7) copies, and with an additional copy mailed to any party to the proceeding, and to Senior Assistant Attorney General Michael Brown, Counsel to the Board, N.H. Department of Justice, 33 Capitol Street, Concord, New Hampshire 03301. All responses or objections to such motions or other documents are to be filed in similar fashion

within ten (10) days of receipt of such motion or other document unless otherwise ordered by the Board; and,

IT IS FURTHER ORDERED that a witness and exhibit list and any proposed exhibits, pre-marked for identification only, shall be filed with the Board no later than one (1) day before the date of the hearing. Respondent shall pre-mark her exhibits with capital letters, and Hearing Counsel shall pre-mark his exhibits with Arabic numerals; and,

IT IS FURTHER ORDERED that unless good cause exists, all motions shall be filed at least one (1) day before the date of any hearing, conference, event or deadline which would be affected by the requested relief, except any motion seeking to postpone a hearing or conference, which shall be filed at least two (2) days before the hearing or conference in question; and,

IT IS FURTHER ORDERED that the entirety of all oral proceedings be recorded verbatim by the Board. Upon the request of any party made at least two (2) days prior to the proceeding or conference or upon the Board's own initiative, a shorthand court reporter shall be provided at the hearing or conference and such record shall be transcribed by the Board if the requesting party or agency shall pay all reasonable costs for such transcription; and,

IT IS FURTHER ORDERED that all documents shall be filed with the Board by mailing or delivering them to James Queenan, R.Ph., Executive Secretary, N.H. Board of Pharmacy, 57 Regional Drive, Concord, N.H. 03301-8518; and

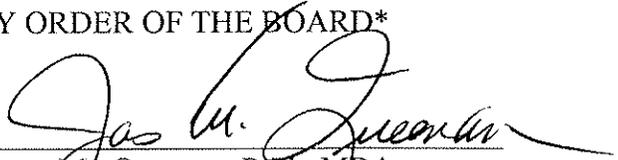
IT IS FURTHER ORDERED that routine procedural inquiries may be made by telephoning James Queenan, R.Ph., Executive Secretary, N.H. Board of Pharmacy, at 271-2350, but that all other communications with the Board shall be in writing and filed as provided above. *Ex parte* communications are forbidden by statute and the Board's regulations; and

IT IS FURTHER ORDERED that a copy of this Notice of Hearing shall be served upon Respondent by hand delivery and by certified mail addressed to the address she supplied to the Board in her latest renewal application. See Ph 202.03(d). A copy shall also be delivered to Hearing Counsel.

Dated:

*July 18, 2013*

BY ORDER OF THE BOARD\*

  
James M. Queenan, R.Ph. MBA  
Executive Secretary  
Authorized Representative of the  
New Hampshire Board of Pharmacy

**\*Recused Board members not participating:**

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