

State of New Hampshire
OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
ENFORCEMENT DIVISION

7 Eagle Square
Concord, N.H. 03301
Telephone 603-271-2152

Lindsey B. Courtney
Executive Director

Jessica F. Kallipolites
Director



New Hampshire Board of Pharmacy
Concord, NH 03301

PRIVILEGED AND
CONFIDENTIAL

The information in this report is CONFIDENTIAL and exempt from the provisions of RSA 91-A. Its contents may not be disclosed except as permitted by Statute and the Administrative Rules of this Board. See RSA 318:30, I; Ph 204.08 (a).

Licensee: Christian Cole, Certified Pharmacy Technician

License No.: CPHT-126739

Issue Date: 07/16/2021

Investigator: OPLC-Enforcement Division, Briana Miller, Investigative Paralegal

Date of Report: September 16, 2022

REPORT OF INVESTIGATION

I. Origin and Nature of Allegations

On July 5, 2022, OPLC-Enforcement Division (“Enforcement”) received an email from Staci Hermann (“Hermann”) *Chief Pharmacy Officer – Dartmouth Health and PIC – Cheshire Medical Center* which was addressed to the NH Board of Pharmacy. Hermann advised the email was “notice” of Cheshire Medical Center’s termination of registered pharmacy technician, Christian Cole (“Respondent”) on June 20, 2022. Hermann noted that it had recently come to their attention that the Respondent falsified work completion sign off sheets indicating she had completed medication outdates of

Omnicell cabinets in May 2022. Hermann advised they completed a thorough investigation when this “issue” was raised and discovered the Respondent had falsified work completion sign off sheets on multiple occasions in February and May. Hermann further advised that during their investigation the Respondent demonstrated a thorough understanding of the risks to patient safety and regulatory compliance regarding the falsification of the sign off sheets despite her failure to “comply with same”.

On July 5, 2022, Enforcement’s Briana Miller (“Miller”) and Karen Belair (“Belair”) contacted the Respondent via phone, for further information pertaining to her employment termination from Cheshire Medical Center. The Respondent was advised that there was no formal complaint against her at that time, but that Enforcement had received notification of her termination of employment with Cheshire Medical Center and was looking to speak with her about her termination. She was also advised that should a formal complaint be filed against her, that she would receive a copy of that complaint with a request for written response. The Respondent agreed and was willing to speak with Miller and Belair about her termination.

The Respondent verified she was in fact terminated from Cheshire Medical Center on June 20, 2022, during a meeting with her supervisor “Jennifer” (Respondent could not recall Jennifer’s last name), Lisa Sandstrum from Human Resources and Jacob Hunt who was the pharmacy manager. She said she believed she was terminated for inaccurate record keeping but that she had never received any prior warnings. She further stated that when signing her termination paperwork, she indicated that she did not agree with the terms.

The Respondent explained that on or about June 11, 2022, she found what she considered to be an inappropriate and unprofessional note written on the outdate sign off sheet which hung by clipboard on the wall of the pharmacy. She said that another pharmacy technician, John Gowey (“Gowey”), had written something to the effect of *Christian Cole did not actually do these, Jeannette had to finish them*. The Respondent said she brought this note to the attention of her supervisor, Jennifer, who told her that she would speak with Gowey, even though the following day was his last day as he was moving to California.

The Respondent said she met with Jennifer and Lisa Sandstrum on or about June 13, 2022, at which time she was advised that she was being placed on leave, pending an internal investigation. She said she was told that she had signed off on the outdate sheet for a couple of medications in March 2022, which she had not completed. She believed one of the medications in question was an IV bag medication, which she said she would

have received verbal authorization from the pharmacist via phone, to leave in the cabinet based on it not yet being expired at the time she did her pulls.

The Respondent explained that outdated medication was pulled from each unit once a month by a pharmacy technician. She said she would do these pulls as well as another pharmacy technician, Jeannette. She further explained that if outdated medication was a controlled substance or IV bag, she would call the pharmacist to see if they wanted her to pull the medication at that time or if they wanted her to leave it until the expiration date/end of the month. The Respondent said she had no proof of these communications with the pharmacist, as they were verbal authorizations over the phone and not recorded or documented anywhere.

On July 7, 2022, Enforcement's Michael Porter filed an electronic complaint against the Respondent based on the allegations raised by Hermann being possible violations of RSA 318:29, II, (c), (d), (g).

On July 8, 2022, Miller contacted the Respondent via phone and advised her of the formal complaint against her. At her request, Miller emailed the Respondent a copy of the complaint, Hermann's email and the letter requesting her written response no later than 30 days from receipt of that letter. The same documentation was also sent to the Respondent on or about July 11, 2022, via certified and regular mail.

II. Sources of Information

- Email from Staci Hermann dated July 5, 2022.
- Interview with the Respondent on July 5, 2022.
- Complaint filed by Michael Porter on July 7, 2022.
- Employment Records received on July 29, 2022.
- Email from Attorney William Pandolph dated August 26, 2022.

III. Results of Investigation

It appears the Respondent had been a Registered Pharmacy Technician in NH since 2016, prior to being issued her license as a Certified Pharmacy Technician in July 2021.

The Respondent's Employment Records obtained from Cheshire Medical Center, included her application for employment dated March 30, 2021. Her work experience noted she had worked as a Registered Pharmacy Technician at a Wal-Mart pharmacy from August 2016 to November 2019 and that she was presently working as a Patient Services Specialist at a dermatology office and for a temp agency in precertification and medical coding/billing.

Records indicated the Respondent was hired by Cheshire Medical Center as a Pharmacy Technician Trainee effective May 3, 2021.

These records also included a *Corrective Action and Discipline Form* dated 02/04/2022 which was noted to be an Initial Written Warning based on the Respondent's behavior on 01/27/2022. It stated that the Respondent had received a prior verbal warning on 12/13/2021 for concerns regarding inappropriate and unprofessional behavior, yet inappropriate and unprofessional encounters with staff members had continued. It further stated that although "some of the deficiencies" would not constitute unsatisfactory performance when viewed singularly, the cumulative effect and trend was what caused concerns as it "demonstrates your inability or unwillingness to abide by the expected standards of work". It appeared the Respondent signed the form and indicated that she had read the memo and agreed with the content.

On May 29, 2022, John Gowey who was a Certified Pharmacy Technician at Cheshire Medical Center, sent an email to Cheshire Medical Center pharmacists; Melissa Siciliano, Jacob Hunt, and Eleni Peterson. The email subject line read, "*Incident with outdated and false sign off by Christian*". Gowey's email stated that he wanted to bring an incident to their attention, which was that the Respondent signed off on completing the outdates in May 2022 when she did not actually do them. Gowey explained his reasoning and noted that he would put a copy of the sign off list and the expiration report on "Melissa's" desk. He further noted that the incident could have potentially impacted patient safety and controlled substance protocols. He said, "with all that has been going on with the drug diversion, it is imperative that we can follow the controlled substance protocols" and that the Respondent's actions could have threatened "this".

On June 9, 2022, Cheshire Medical Center's Human Resources Generalist Stephanie Pollock ("Pollock") emailed Staci Hermann who was then noted to be the Chief Pharmacy Officer for Dartmouth-Health. Pollock's email advised that Melissa [Siciliano] had brought forward an employee concern a couple of days prior to her leaving her role at "Cheshire". Pollock further noted that this was a "significant concern" and she wanted to be sure they followed through with [the Respondent]. Pollock asked Hermann if there was someone taking over the matter. Hermann responded via email that same day and advised Pollock that Jen Egbert "Egbert" could assist. Egbert appeared to be a Senior Consultant for Visante, Inc. Later that same day, Egbert emailed both Pollock and Hermann stating that the Respondent had not completed any outdates after the 16th of May, leaving 121 medications to be pulled the last weekend of the month. Pollock further noted that the Respondent completed 9.21% of the total outdated medications for the areas she signed off.

On June 10, 2022, per documents obtained, it appeared Pollock and Egbert met with the Respondent who was purportedly able to describe “the process” and her understanding of the task to pull outdated medications from floor Omnicell cabinets. The document also noted that the Respondent could articulate the difference between “pulling outdated medications from those that were pulled from the daily catch up report” and that she had pulled outdates correctly in April and January. This document further advised that an additional audit was completed for December 2021 – May 2022 and it was discovered that the Respondent had also signed off completing outdates for Omnicells in February, which had to be redone by her co-workers to assure no outdated medications remained. It was noted that the Respondent admitted to not completing the monthly outdates in the correct process and stated that was not her normal practice.

On June 20, 2022, the Respondent’s employment with Cheshire Medical Center was terminated. A *Corrective Action Form* from this date, indicated that the Respondent was terminated for Performance Misconduct and that the violation date was May 2022. It further stated the following:

“Based on a thorough investigation of medication out-dates it was discovered that Christian falsified work completion sign off sheets on multiple occasions (February and May). Christian demonstrated a thorough understanding during the interview process, a full understanding of the risks to patient safety and regulatory compliance regarding the falsification of the sign-off sheets.”

This form appears to have been signed by the Respondent and indicated that she had read the memo but disagreed with the content.

On August 26, 2022, Miller received an email from Attorney William Pandolph stating that he had been asked to assist Cheshire Medical Center in responding to a subpoena, which Miller had sent to them requesting the following:

- Any and all policies and/or procedures pertaining to pulling outdated medications from floor Omnicell cabinets, short expirations, outdated medications, the daily catch up report, and floor inspections.
- Process for the task to pull outdated medications from floor Omnicell cabinets.

Attorney Pandolph’s email advised that there appeared were no documents that Cheshire would deem a written Cheshire policy and procedure “pertaining to pulling outdated medications from floor Omnicell cabinets, short expirations, outdated medications, the daily catch up report, and floor inspections” or a written Cheshire “process for the task to pull outdated medications from floor Omnicell cabinets”.

IV. Licensee Response

Enforcement has not received a written response as of the date of this report.

V. Statutory Claims

Should the Board determine there is sufficient evidence to support the allegations against the Respondent, the Board could impose discipline pursuant to the following as cited in the complaint:

318:29 Disciplinary Action. –

II. Misconduct sufficient to support disciplinary proceedings under this section shall include:

- (c) Any dishonest or unprofessional conduct, or gross or repeated negligent conduct in the practice of pharmacy or in performing activities ancillary to the practice of pharmacy or any particular aspect or specialty thereof;
- (d) Behavior which demonstrates a clear conflict with the basic knowledge and competence expected of licensed pharmacists or any particular aspect or specialty of the practice of pharmacy, or any intentional act which demonstrates a clear inconsistency with the health and safety of persons making use of the professional services of any person licensed under this chapter;
- (g) Willful or repeated violation of any provision of this chapter, any substantive rule of the board, or any other federal, state, or local drug or pharmacy-related law, rule, or regulation.

VI. Conclusion/Recommendation

It was alleged that the Respondent falsified work completion sign off sheets, indicating she had completed medication outdates of Omnicell cabinets at Cheshire Medical Center in February and May 2022, which she had not completed.

Documents obtained from Cheshire Medical Center noted that when they interviewed the Respondent on or about June 10, 2022, she had admitted to not completing the monthly outdates in the correct process and stated that was not her normal practice. However, Cheshire Medical Center was unable to provide any written policies, procedures or processes related to work completion sheets and the pulling of medication outdates to show what the correct processes were.

The Respondent has not provided a written response to the complaint and allegations against her.

The Respondent made no admissions to having falsified documents during her phone conversation with Enforcement’s Miller and Belair on July 5, 2022.

Enforcement would defer to the Board’s discretion as to whether they wish to dismiss, further investigate or adjudicate this matter.



Cheshire Medical Center
Inpatient Pharmacy

NH Office of Professional Licensure
Board of Pharmacy
7 Eagle Sq
Concord, NH 03301
July 5, 2022

Dear Board of Pharmacy:

Please accept this as notice of Cheshire Medical Center's termination of a registered pharmacy technician, Christian Cole, and our concerns related to same. It recently came to our attention that Ms. Cole falsified work completion sign off sheets indicating she had completed medication outdates of Omnicell® cabinets at Cheshire Medical Center in May 2022. We completed a thorough investigation when this issue was raised, and it was discovered that Ms. Cole falsified work completion sign off sheets on multiple occasions (February and May). During our investigation, Ms. Cole demonstrated a thorough understanding of the risks to patient safety and regulatory compliance regarding the falsification of the sign-off sheets despite her failure to comply with same. She was terminated on June 20, 2022.

Sincerely,

Staci A Hermann

Staci A. Hermann
Chief Pharmacy Officer – Dartmouth Health
PIC – Cheshire Medical Center

Enforcement Complaint Form

version 1.1

Digitally signed by:
GlobalSign Organization Validation CA - SHA256 - G2
Date: 2022.07.07 21:44:46 -04:00
Reason: Copy Of Record
Location: New Hampshire



(Submission #: HPK-0G99-8A7HD, version 1)

Details

Submission ID HPK-0G99-8A7HD

Form Input

Complaint Form

Profession Name

Board of Pharmacy

Name of Licensee:

Christian Cole

Licensee # (if known):

CPHT-126739

Address where the incident took place:

580 COURT ST
KEENE, NH 03431

Name of Business (if known):

Cheshire Medical Center

Your Contact Information

First Name Last Name

Michael Porter

Phone Type Number Extension

Business 603-271-0140

Email

Michael.w.Porter@oplc.nh.gov

Address

7 Eagle Square
Concord, NH 03301

Complaint Details

Date(s) of Incident:

Date
07/05/2022

Witnesses/Observers:

Name:	Title:	Address:	Phone:	Email:
Staci Hermann	Chief Pharmacy Officer	NONE PROVIDED	NONE PROVIDED	NONE PROVIDED

Have you attempted to resolve your complaint with the licensee?

No

Have you consulted an attorney in this matter?

No

Has this complaint been reported to any other agencies?

No

Complaint Narrative

Complaint Description (2000 character max)

On 7/5/2022, the OPLC-Division of Enforcement received an email and letter from Staci Hermann, Chief Pharmacy Officer, Dartmouth Health, indicating Certified Pharmacy Technician Christian Cole is alleged to have falsified work completion sign off sheets indicating she had completed medication outdates of Omnicell cabinets at Cheshire Medical Center in February 2022 and May 2022.

The allegations raised by Staci Hermann alleges possible violations of RSA 318: 29, II, (c), (d), (g).

(c) Any dishonest or unprofessional conduct, or gross or repeated negligent conduct in the practice of pharmacy or in performing activities ancillary to the practice of pharmacy or any particular aspect or specialty thereof;

(d) Behavior which demonstrates a clear conflict with the basic knowledge and competence expected of licensed pharmacists or any particular aspect or specialty of the practice of pharmacy, or any intentional act which demonstrates a clear inconsistency with the health and safety of persons making use of the professional services of any person licensed under this chapter;

(g) Willful or repeated violation of any provision of this chapter, any substantive rule of the board, or any other federal, state, or local drug or pharmacy-related law, rule, or regulation.

Signature

Michael Porter

For the following professions please be sure to include in your explanation if known those items listed below:

Nursing Complaint:

-Please note the specific provision(s) of RSA 326-B: 37, II or Nur 402.02 on which the complaint is based.

Pharmacy/Pharmacist Complaint:

-Prescription number(s) of prescription(s) involved in this complaint;

-Patient's Name if different from complainant;

-Relationship to the complainant;

-Was the a new or refill prescription order;

-Was the offer to counsel given and was it given or was it refused;

-From the prescription bottle and record the initial of the dispensing pharmacist, which are printed on the label; and

-Have you spoken with anyone at the corporate level, if yes who?

Professional Engineers, Architects, Land Surveyors, Natural Scientists, Foresters, Professional Geologists, Landscape Architects, Court Reporters, Home Inspectors, Manufactured Housing Installers, Real Estate Appraisers, Electricians and Certified Public Accountants:

-Whether or not the job was inspected by local authorities;

-The date(s) and the inspector(s) who performed inspections;

-Was the licensee informed about the filing of this complaint;

-Was any civil action taken and what was the outcome; and,

-Was any other licensed professional consulted about the problem?

Real Estate:

-Name and address of the seller;

-Name and address of the purchaser;

-Location of the Property; and

-Was any agreements made orally or in writing (if in writing include a copy)?

All health related complaints may require the completion of the Medical Release Form . Should this be needed, the form will be sent to you for completion.



Cheshire Medical Center
Inpatient Pharmacy

NH Office of Professional Licensure
Board of Pharmacy
7 Eagle Sq
Concord, NH 03301
July 5, 2022

Dear Board of Pharmacy:

Please accept this as notice of Cheshire Medical Center's termination of a registered pharmacy technician, Christian Cole, and our concerns related to same. It recently came to our attention that Ms. Cole falsified work completion sign off sheets indicating she had completed medication outdates of Omnicell® cabinets at Cheshire Medical Center in May 2022. We completed a thorough investigation when this issue was raised, and it was discovered that Ms. Cole falsified work completion sign off sheets on multiple occasions (February and May). During our investigation, Ms. Cole demonstrated a thorough understanding of the risks to patient safety and regulatory compliance regarding the falsification of the sign-off sheets despite her failure to comply with same. She was terminated on June 20, 2022.

Sincerely,

Staci A Hermann

Staci A. Hermann
Chief Pharmacy Officer – Dartmouth Health
PIC – Cheshire Medical Center