

**STATE OF VERMONT
BOARD OF PHARMACY**

In re: Rene C. Meyer	}	
License No. 121-1906	}	Docket No. 2009-329
	}	

Appearances:

Petitioner, State of Vermont: Gregg Meyer
Respondent: did not appear

Presiding Officer: Larry S. Novins

DEFAULT ORDER

The Board of Pharmacy held a hearing on the above matter on January 27, 2010 at the Office of Professional Regulation hearing room at the National Life Building in Montpelier, Vermont. Ms. Meyer did not attend and was not represented by counsel.

Findings of Fact

1. Ms. Meyer is registered as a pharmacy technician and is therefore subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, Chapter 36 of Title 26 and the Administrative Rules of the Board of Pharmacy and the Office of Professional Regulation.
2. Ms. Meyer was sent notice of the Charges against her by certified mail on November 4, 2009 to her last known address.
3. Stamps on the envelope indicate that after three notices, the certified mail remained unclaimed.
4. Notice of the default hearing scheduled for January 27, 2010 was mailed to that same address by certified mail on January 15, 2010.
5. Ms. Meyer has not answered the charges against her.
6. Upon hearing the State's presentation and taking notice of its own file, the Board finds Ms. Meyer to be in default. The allegations contained in the State's specification of charges dated October 29, 2009 (copy attached) are therefore treated as the facts on which the Board's order is based. OPR Rule 3.4, 3 V.S.A. § 809(d) and 3 V.S.A. § 814(c).

Conclusions of Law

Ms. Meyer has received adequate notice of the charges against her as indicated by the Board's file and the State's presentation. Because Ms. Meyer has failed to answer the charges, the State's factual allegations are treated as if proved. O.P.R. Rule 3.4.

Order

In accordance with the above findings of fact and conclusions of law, Ms. Meyer's registration is hereby revoked, effective as of the date of the hearing.

Appeal Rights

This is a final administrative determination by the Vermont Board of Pharmacy.

A party aggrieved by a final decision of a board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, National Life Bldg., North, FL2 Montpelier, VT 05620-3402. within 30 days of the entry of this order.

If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a. If a party wishes to request a stay of the Board's decision, please refer to the attached stay instructions.

By:


Steven M. Vincent, R.Ph., Chair

Date: January 27, 2010

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 2/1/10

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF PHARMACY**

IN RE:

Rene C. Meyer

License No. 121-0001906

)
)
)

Docket No. 2009-329

SPECIFICATION OF CHARGES

Board Authority

1. The Vermont Board of Pharmacy (the Board) has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by pharmacists or pharmacy technicians pursuant to 3 V.S.A. §§ 129, 129a; 26 V.S.A. Chapter 35; and the Rules of the Board and the Vermont Office of Professional Regulation.

Statement of Facts

2. On October 28, 2009, the Board summarily suspended Respondent's license based on the facts alleged below.

3. On July 21, 2009 Inspector Dan Vincent from the Vermont Office of Professional Regulation conducted a routine scheduled inspection at Rutland Pharmacy located at 71 Allen Street, Rutland, VT.

4. During the inspection, Inspector Vincent obtained information from owner/pharmacist Steven Hochberg that on or about May 19, 2009 Pharmacy Technician Rene C. Meyer (Respondent) had been observed by surveillance camera drinking from a bottle of Tussionex in the storage area containing Scheduled drugs.

5. Said event was reported to the DEA and the Rutland Police Department and in a certified copy of Detective David Lachance's Affidavit and Supplemental Affidavit submitted to the Rutland District Court by of the Rutland City Police Department the following was stated:

"On 5-21-09 at approximately 1537 hours I responded to Rutland Pharmacy located at 71 Allen Street within Rutland City for a reported theft which had occurred."

"Upon my arrival at Rutland Pharmacy I met with store owner Steve Hochberg DOB 4-1953, Jason Hochberg DOB 12-24-78, and Jeffrey Hochberg DOB 8-26-80. I was advised by these subjects that over the recent past they had discovered that there had been narcotic Tussionex missing from the narcotic storage room inside the pharmacy only accessed by store employees. I was advised that due to this suspected theft of Tussionex surveillance cameras were re-positioned to monitor and record activity-in

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

said storage area. I was advised that on 5-21-09 said surveillance video recorded an employee of Rutland Pharmacy, Rene Meyer DOB 2-12-64, entering said narcotic storage room, removing a bottle of Tussionex from the shelf, and drinking the Tussionex."

"The bottle of Tussionex which Meyer had been observed drinking Tussionex from was recovered from the shelf in the narcotic storage room by Steve Hochberg and provided to me by Jeffery Hochberg. I was advised by Jeffery Hochberg that the approximate value of the-Tussionex to fill the bottle is two hundred dollars (\$200.00). Tussionex is a derivative of Hydrocodone and is a schedule III narcotic drug."

"While meeting with Steve, Jason, and Jeffrey Hochberg I reviewed said surveillance video and observed said employee, Rene Meyer DOB 2-12-64, enter the narcotic storage room, remove a bottle of Tussionex from the shelf, and drink the Tussionex from said bottle. I observed Meyer on said recording enter said narcotic storage room on two (2) separate/different times on 5-21-09 being at approximately 0855 hours and approximately 0958 hours and on each occasion I observed Meyer remove the bottle of Tussionex from the shelf, drink the Tussionex, and return the Tussionex to the shelf."

"While at the Rutland Pharmacy on 5-21-09 I met and spoke with Rene Meyer DOB 2-12-64 in the presence of Jeffery Hochberg. I advised Meyer that she was caught on video drinking Tussionex in the pharmacy. Meyer admitted to me that she had been employed at the pharmacy for approximately 4 months and that she had started taking the Tussionex from the pharmacy shelf a couple of weeks before 5-21-09 because she had been prescribed the Tussionex by her doctor on a previous occasion for an illness she had and it seemed to work. Meyer advised that she does not have insurance at this time so she took it from the pharmacy and drank it. Meyer advised that the Tussionex tasted good and it cleared up her cold."

"After speaking with Meyer I escorted her to her locker allowing her to retrieve her belongings, I arrested her, and transported her to The Rutland Police Station for processing and interviewing."

"On 5-21-09 at approximately 1613 hours I met with Rene Meyer DOB 2-12-64 and at that time I advised Meyer of her Miranda warnings. Meyer signed a written waiver indicating that she understood her rights and agreeing to speak with the police. At that time I conducted a video-recorded interview with Meyer and during said interview Meyer admitted that she had taken Tussionex from the shelf at Rutland Pharmacy on multiple occasions while she was working as a pharmacy technician at the pharmacy and she drank the Tussionex. Meyer admitted that the last time she took the Tussionex from the shelf at Rutland Pharmacy and drank it was on 5-21-09."

"Meyer was issued a citation to appear in court and released."

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

6. An Arraignment Hearing was held on August 31, 2009 in Rutland District Court regarding the above described event. It was determined that Probable Cause was sufficient on two separate charges to bind the case over for trial. Said charges were:

Embezzlement, Felony, 13 V.S.A. 2531

Depressant/Stimulant/Narcotic-Possession Less Than 100X Dose, Misdemeanor, 18 V.S.A. 4234 (a) (1).

Charges

7. The acts, omissions and/or circumstances described above constitute grounds for discipline because Respondent violated:

i. Board of Pharmacy Rules, Part I, Section 1, Rule 1.1.7 (Dealing with drugs that the licensee knows or should know are stolen drugs or that the licensee knows or should know were obtained through distribution channels that do not comply with licensing requirements);

ii. 3 V.S.A. § 129a(a)(3) and (7) (In addition to any other provision of law, the following conduct by a licensee constitutes unprofessional conduct. . . . Any one of the following items, or any combination of items, whether or not the conduct at issue was committed within or outside the state, shall constitute unprofessional conduct: failing to comply with provisions of federal or state statutes or rules governing the practice of the profession and willfully making or filing false reports or records in the practice of the profession);

iii. 3 V.S.A. § 129a(b)(2)(failing to practice competently by reason of any cause which includes failing to conform to the essential standards of acceptable and prevailing practice);

iv. 3 V.S.A. § 129a(b)(2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes failure to conform to the essential standards of acceptable and prevailing practice); and

v. 3 V.S.A. § 129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession.

Relief Requested

WHEREFORE, the Respondent's license should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

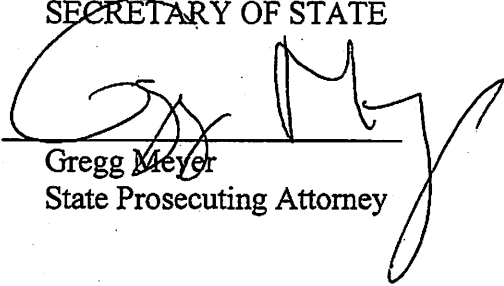
STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

DATED at Montpelier, Vermont this 29th day of October 2009.

STATE OF VERMONT
SECRETARY OF STATE

By: 

Gregg Meyer
State Prosecuting Attorney

STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF PHARMACY

IN RE:

Rene C. Meyer

License No. 121-0001906

)

)

)

Docket No. 2009-329

SPECIFICATION OF CHARGES

Board Authority

1. The Vermont Board of Pharmacy (the Board) has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by pharmacists or pharmacy technicians pursuant to 3 V.S.A. §§ 129, 129a; 26 V.S.A. Chapter 35; and the Rules of the Board and the Vermont Office of Professional Regulation.

Statement of Facts

2. On October 28, 2009, the Board summarily suspended Respondent's license based on the facts alleged below.

3. On July 21, 2009 Inspector Dan Vincent from the Vermont Office of Professional Regulation conducted a routine scheduled inspection at Rutland Pharmacy located at 71 Allen Street, Rutland, VT.

4. During the inspection, Inspector Vincent obtained information from owner/pharmacist Steven Hochberg that on or about May 19, 2009 Pharmacy Technician Rene C. Meyer (Respondent) had been observed by surveillance camera drinking from a bottle of Tussionex in the storage area containing Scheduled drugs.

5. Said event was reported to the DEA and the Rutland Police Department and in a certified copy of Detective David Lachance's Affidavit and Supplemental Affidavit submitted to the Rutland District Court by of the Rutland City Police Department the following was stated:

"On 5-21-09 at approximately 1537 hours I responded to Rutland Pharmacy located at 71 Allen Street within Rutland City for a reported theft which had occurred."

"Upon my arrival at Rutland Pharmacy I met with store owner Steve Hochberg DOB 4-1953, Jason Hochberg DOB 12-24-78, and Jeffrey Hochberg DOB 8-26-80. I was advised by these subjects that over the recent past they had discovered that there had been narcotic Tussionex missing from the narcotic storage room inside the pharmacy only accessed by store employees. I was advised that due to this suspected theft of Tussionex surveillance cameras were re-positioned to monitor and record activity-in

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

said storage area. I was advised that on 5-21-09 said surveillance video recorded an employee of Rutland Pharmacy, Rene Meyer DOB 2-12-64, entering said narcotic storage room, removing a bottle of Tussionex from the shelf, and drinking the Tussionex.”

“The bottle of Tussionex which Meyer had been observed drinking Tussionex from was recovered from the shelf in the narcotic storage room by Steve Hochberg and provided to me by Jeffery Hochberg. I was advised by Jeffery Hochberg that the approximate value of the-Tussionex to fill the bottle is two hundred dollars (\$200.00). Tussionex is a derivative of Hydrocodone and is a schedule III narcotic drug.”

“While meeting with Steve, Jason, and Jeffrey Hochberg I reviewed said surveillance video and observed said employee, Rene Meyer DOB 2-12-64, enter the narcotic storage room, remove a bottle of Tussionex from the shelf, and drink the Tussionex from said bottle. I observed Meyer on said recording enter said narcotic storage room on two (2) separate/different times on 5-21-09 being at approximately 0855 hours and approximately 0958 hours and on each occasion I observed Meyer remove the bottle of Tussionex from the shelf, drink the Tussionex, and return the Tussionex to the shelf.”

“While at the Rutland Pharmacy on 5-21-09 I met and spoke with Rene Meyer DOB 2-12-64 in the presence of Jeffery Hochberg. I advised Meyer that she was caught on video drinking Tussionex in the pharmacy. Meyer admitted to me that she had been employed at the pharmacy for approximately 4 months and that she had started taking the Tussionex from the pharmacy shelf a couple of weeks before 5-21-09 because she had been prescribed the Tussionex by her doctor on a previous occasion for an illness she had and it seemed to work. Meyer advised that she does not have insurance at this time so she took it from the pharmacy and drank it. Meyer advised that the Tussionex tasted good and it cleared up her cold.”

“After speaking with Meyer I escorted her to her locker allowing her to retrieve her belongings, I arrested her, and transported her to The Rutland Police Station for processing and interviewing.”

“On 5-21-09 at approximately 1613 hours I met with Rene Meyer DOB 2-12-64 and at that time I advised Meyer of her Miranda warnings. Meyer signed a written waiver indicating that she understood her rights and agreeing to speak with the police. At that time I conducted a video-recorded interview with Meyer and during said interview Meyer admitted that she had taken Tussionex from the shelf at Rutland Pharmacy on multiple occasions while she was working as a pharmacy technician at the pharmacy and she drank the Tussionex. Meyer admitted that the last time she took the Tussionex from the shelf at Rutland Pharmacy and drank it was on 5-21-09.”

“Meyer was issued a citation to appear in court and released.”

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

6. An Arraignment Hearing was held on August 31, 2009 in Rutland District Court regarding the above described event. It was determined that Probable Cause was sufficient on two separate charges to bind the case over for trial. Said charges were:

Embezzlement, Felony, 13 V.S.A. 2531

Depressant/Stimulant/Narcotic-Possession Less Than 100X Dose, Misdemeanor, 18 V.S.A. 4234 (a) (1).

Charges

7. The acts, omissions and/or circumstances described above constitute grounds for discipline because Respondent violated:

i. Board of Pharmacy Rules, Part I, Section 1, Rule 1.1.7 (Dealing with drugs that the licensee knows or should know are stolen drugs or that the licensee knows or should know were obtained through distribution channels that do not comply with licensing requirements);

ii. 3 V.S.A. § 129a(a)(3) and (7) (In addition to any other provision of law, the following conduct by a licensee constitutes unprofessional conduct. . . . Any one of the following items, or any combination of items, whether or not the conduct at issue was committed within or outside the state, shall constitute unprofessional conduct: failing to comply with provisions of federal or state statutes or rules governing the practice of the profession and willfully making or filing false reports or records in the practice of the profession);

iii. 3 V.S.A. § 129a(b)(2)(failing to practice competently by reason of any cause which includes failing to conform to the essential standards of acceptable and prevailing practice);

iv. 3 V.S.A. § 129a(b)(2) (Failure to practice competently by reason of any cause on a single occasion or on multiple occasions may constitute unprofessional conduct, whether actual injury to a client, patient, or customer has occurred. Failure to practice competently includes failure to conform to the essential standards of acceptable and prevailing practice); and

v. 3 V.S.A. § 129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession.

Relief Requested

WHEREFORE, the Respondent's license should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

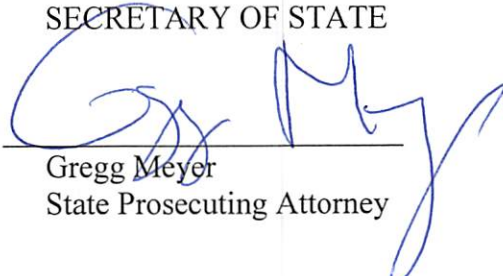
STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

DATED at Montpelier, Vermont this 29th day of October 2009.

STATE OF VERMONT
SECRETARY OF STATE

By: 

Gregg Meyer
State Prosecuting Attorney

**STATE OF VERMONT
BOARD OF PHARMACY**

In re: Rene C. Meyer
License No. 121-0001906

}
}
}

Docket No. 2009-329

**DECISION ON REQUEST FOR
SUMMARY SUSPENSION ORDER**

Appearances:

For Petitioner, State of Vermont, Gregg Meyer
For Respondent: did not appear

Presiding Officer: Larry S. Novins

ORDER ON REQUEST FOR SUMMARY SUSPENSION

On October 28, 2009 this matter came before the Board of Pharmacy for a hearing on the prosecution's request for summary suspension. The hearing was conducted at the Office of Professional Regulation hearing room in the National Life Building in Montpelier, Vermont. Ms. Meyer did not appear. The Board has authority under 3 V.S.A. § 814(c) to summarily suspend a license pending further action if it determines that public health, safety, or welfare imperatively requires emergency action.

Findings of Fact:

Based on a Review of the pleadings and the file, and on evidence presented to the Board at the hearing, the Board finds:

1. Ms. Meyer, a registered pharmacy technician, is subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, Chapter 36 of Title 26, the Administrative Rules of the Board of Pharmacy and the Rules of the Office of Professional Regulation.
2. The State has filed a "Request for Summary Suspension." It is dated October 8, 2009. A copy of the Request is attached to this Decision and Order. The Request alleges that Ms. Meyer, while employed as a pharmacy technician in Rutland, Vermont, stole and drank Tussionex, a schedule III mixture containing a narcotic drug, in May 2009.
3. Ms. Meyer was terminated from her employment. She was arrested, charged with a crime and cited to court. On August 31, 2009 Ms. Meyer was arraigned on charges of embezzlement and possession of a depressant/stimulant/narcotic less than 100x dose. She was released on conditions.
4. The State says that public health, safety, or welfare imperatively requires emergency action because if none is taken Ms. Meyer may have employment or obtain employment.
5. Ms. Meyer's registration lapsed on July 31, 2009.
6. Meyer has been provided notice of this matter via "Notice of Summary Suspension"

- Hearing" mailed via certified mail on October 14, 2009 to her last known address.
7. The Board has reviewed documents presented by the prosecution.
 8. The allegations in the Request for Summary Suspension (copy attached) have been established to the necessary degree.
 9. The evidence presented does imperatively require emergency action for the public health, safety, and welfare. Ms. Meyer, who does not have a valid registration at this time, may be able to obtain employment and have access to narcotics.
 10. We find that emergency action is necessary to protect the public.

Conclusions of Law

The prosecution's Request for a Summary Suspension is supported by the evidence presented. The Board concludes that the allegations in the request for summary suspension, attached hereto, have not been established to the necessary degree.

Order

The Request for Summary Suspension is therefore, **Granted.**

APPEAL RIGHTS

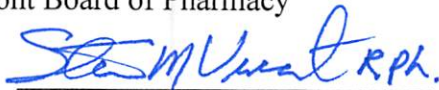
This is a final administrative determination by the Vermont Board of Pharmacy.

A party aggrieved by a final decision of a board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, National Life Bldg., North, FL2, Montpelier, VT 05620-3402 within 30 days of the entry of this order.

If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a. To request a stay of the Board's decision, please refer to the attached stay instructions.

Vermont Board of Pharmacy

By:


Steven M. Vincent R.Ph., Chair

Date: October 28, 2009

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 10/29/09

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF PHARMACY**

IN RE:

Rene C. Meyer

License No. 121-0001906

)

)

)

Docket No. 2009-329

REQUEST FOR SUMMARY SUSPENSION

Board Authority

1. The Vermont Board of Pharmacy (the Board) has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by pharmacists or pharmacy technicians pursuant to 3 V.S.A. §§ 129, 129a; 26 V.S.A. Chapter 35; and the Rules of the Board and the Vermont Office of Professional Regulation.

2. The Board of Board of Pharmacy is authorized by 3 V.S.A. §814 to summarily suspend the license of a pharmacist or pharmacy technician when it finds that the public health, safety or welfare imperatively requires emergency action.

Statement of Facts

3. On July 21, 2009 Inspector Dan Vincent from the Vermont Office of Professional Regulation conducted a routine scheduled inspection at Rutland Pharmacy located at 71 Allen Street, Rutland, VT.

4. During the inspection, Inspector Vincent obtained information from owner/pharmacist Steven Hochberg that on or about May 19, 2009 Pharmacy Technician Rene C. Meyer (Respondent) had been observed by surveillance camera drinking from a bottle of Tussionex in the storage area containing Scheduled drugs.

5. Said event was reported to the DEA and the Rutland Police Department and in a certified copy of Detective David Lachance's Affidavit and Supplemental Affidavit submitted to the Rutland District Court by of the Rutland City Police Department the following was stated:

"On 5-21-09 at approximately 1537 hours I responded to Rutland Pharmacy located at 71 Allen Street within Rutland City for a reported theft which had occurred."

"Upon my arrival at Rutland Pharmacy I met with store owner Steve Hochberg DOB 4-1953, Jason Hochberg DOB 12-24-78, and Jeffrey Hochberg DOB 8-26-80. I was advised by these subjects that over the recent past they had discovered that there had been narcotic Tussionex missing from the narcotic storage room inside the pharmacy only accessed by store employees. I was advised that due to this suspected theft of

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

Tussionex surveillance cameras were re-positioned to monitor and record activity-in said storage area. I was advised that on 5-21-09 said surveillance video recorded an employee of Rutland Pharmacy, Rene Meyer DOB 2-12-64, entering said narcotic storage room, removing a bottle of Tussionex from the shelf, and drinking the Tussionex."

"The bottle of Tussionex which Meyer had been observed drinking Tussionex from was recovered from the shelf in the narcotic storage room by Steve Hochberg and provided to me by Jeffery Hochberg. I was advised by Jeffery Hochberg that the approximate value of the-Tussionex to fill the bottle is two hundred dollars (\$200.00). Tussionex is a derivative of Hydrocodone and is a schedule III narcotic drug."

"While meeting with Steve, Jason, and Jeffrey Hochberg I reviewed said surveillance video and observed said employee, Rene Meyer DOB 2-12-64, enter the narcotic storage room, remove a bottle of Tussionex from the shelf, and drink the Tussionex from said bottle. I observed Meyer on said recording enter said narcotic storage room on two (2) separate/different times on 5-21-09 being at approximately 0855 hours and approximately 0958 hours and on each occasion I observed Meyer remove the bottle of Tussionex from the shelf, drink the Tussionex, and return the Tussionex to the shelf."

"While at the Rutland Pharmacy on 5-21-09 I met and spoke with Rene Meyer DOB 2-12-64 in the presence of Jeffery Hochberg. I advised Meyer that she was caught on video drinking Tussionex in the pharmacy. Meyer admitted to me that she had been employed at the pharmacy for approximately 4 months and that she had started taking the Tussionex from the pharmacy shelf a couple of weeks before 5-21-09 because she had been prescribed the Tussionex by her doctor on a previous occasion for an illness she had and it seemed to work. Meyer advised that she does not have insurance at this time so she took it from the pharmacy and drank it. Meyer advised that the Tussionex tasted good and it cleared up her cold."

"After speaking with Meyer I escorted her to her locker allowing her to retrieve her belongings, I arrested her, and transported her to The Rutland Police Station for processing and interviewing."

"On 5-21-09 at approximately 1613 hours I met with Rene Meyer DOB 2-12-64 and at that time I advised Meyer of her Miranda warnings. Meyer signed a written waiver indicating that she understood her rights and agreeing to speak with the police. At that time I conducted a video-recorded interview with Meyer and during said interview Meyer admitted that she had taken Tussionex from the shelf at Rutland Pharmacy on multiple occasions while she was working as a pharmacy technician at the pharmacy and she drank the Tussionex. Meyer admitted that the last time she took the Tussionex from the shelf at Rutland Pharmacy and drank it was on 5-21-09."

"Meyer was issued a citation to appear in court and released."

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

6. An Arraignment Hearing was held on August 31, 2009 in Rutland District Court regarding the above described event. It was determined that Probable Cause was sufficient on two separate charges to bind the case over for trial. Said charges were:

Embezzlement, Felony, 13 V.S.A. 2531

Depressant/Stimulant/Narcotic-Possession Less Than 100X Dose, Misdemeanor, 18 V.S.A. 4234 (a) (1).

Relief Requested

7. The facts as set out above establish that in order to protect the public health, safety or welfare of the people of the State of Vermont emergency action is imperative.

WHEREFORE, the Respondent's license should be summarily suspended, because the public health, safety or welfare imperatively requires emergency action pursuant to 3 V.S.A. § 814(c).

DATED at Montpelier, Vermont this 8th day of October 2009.

STATE OF VERMONT
SECRETARY OF STATE

By: _____

Gregg Meyer
State Prosecuting Attorney

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF PHARMACY**

IN RE:

Rene C. Meyer

License No. 121-0001906

)
)
)

Docket No. 2009-329

REQUEST FOR SUMMARY SUSPENSION

Board Authority

1. The Vermont Board of Pharmacy (the Board) has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by pharmacists or pharmacy technicians pursuant to 3 V.S.A. §§ 129, 129a; 26 V.S.A. Chapter 35; and the Rules of the Board and the Vermont Office of Professional Regulation.
2. The Board of Board of Pharmacy is authorized by 3 V.S.A. §814 to summarily suspend the license of a pharmacist or pharmacy technician when it finds that the public health, safety or welfare imperatively requires emergency action.

Statement of Facts

3. On July 21, 2009 Inspector Dan Vincent from the Vermont Office of Professional Regulation conducted a routine scheduled inspection at Rutland Pharmacy located at 71 Allen Street, Rutland, VT.
4. During the inspection, Inspector Vincent obtained information from owner/pharmacist Steven Hochberg that on or about May 19, 2009 Pharmacy Technician Rene C. Meyer (Respondent) had been observed by surveillance camera drinking from a bottle of Tussionex in the storage area containing Scheduled drugs.
5. Said event was reported to the DEA and the Rutland Police Department and in a certified copy of Detective David Lachance's Affidavit and Supplemental Affidavit submitted to the Rutland District Court by of the Rutland City Police Department the following was stated:

"On 5-21-09 at approximately 1537 hours I responded to Rutland Pharmacy located at 71 Allen Street within Rutland City for a reported theft which had occurred."

"Upon my arrival at Rutland Pharmacy I met with store owner Steve Hochberg DOB 4-1953, Jason Hochberg DOB 12-24-78, and Jeffrey Hochberg DOB 8-26-80. I was advised by these subjects that over the recent past they had discovered that there had been narcotic Tussionex missing from the narcotic storage room inside the pharmacy only accessed by store employees. I was advised that due to this suspected theft of

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

Tussionex surveillance cameras were re-positioned to monitor and record activity-in said storage area. I was advised that on 5-21-09 said surveillance video recorded an employee of Rutland Pharmacy, Rene Meyer DOB 2-12-64, entering said narcotic storage room, removing a bottle of Tussionex from the shelf, and drinking the Tussionex."

"The bottle of Tussionex which Meyer had been observed drinking Tussionex from was recovered from the shelf in the narcotic storage room by Steve Hochberg and provided to me by Jeffery Hochberg. I was advised by Jeffery Hochberg that the approximate value of the-Tussionex to fill the bottle is two hundred dollars (\$200.00). Tussionex is a derivative of Hydrocodone and is a schedule III narcotic drug."

"While meeting with Steve, Jason, and Jeffrey Hochberg I reviewed said surveillance video and observed said employee, Rene Meyer DOB 2-12-64, enter the narcotic storage room, remove a bottle of Tussionex from the shelf, and drink the Tussionex from said bottle. I observed Meyer on said recording enter said narcotic storage room on two (2) separate/different times on 5-21-09 being at approximately 0855 hours and approximately 0958 hours and on each occasion I observed Meyer remove the bottle of Tussionex from the shelf, drink the Tussionex, and return the Tussionex to the shelf."

"While at the Rutland Pharmacy on 5-21-09 I met and spoke with Rene Meyer DOB 2-12-64 in the presence of Jeffery Hochberg. I advised Meyer that she was caught on video drinking Tussionex in the pharmacy. Meyer admitted to me that she had been employed at the pharmacy for approximately 4 months and that she had started taking the Tussionex from the pharmacy shelf a couple of weeks before 5-21-09 because she had been prescribed the Tussionex by her doctor on a previous occasion for an illness she had and it seemed to work. Meyer advised that she does not have insurance at this time so she took it from the pharmacy and drank it. Meyer advised that the Tussionex tasted good and it cleared up her cold."

"After speaking with Meyer I escorted her to her locker allowing her to retrieve her belongings, I arrested her, and transported her to The Rutland Police Station for processing and interviewing."

"On 5-21-09 at approximately 1613 hours I met with Rene Meyer DOB 2-12-64 and at that time I advised Meyer of her Miranda warnings. Meyer signed a written waiver indicating that she understood her rights and agreeing to speak with the police. At that time I conducted a video-recorded interview with Meyer and during said interview Meyer admitted that she had taken Tussionex from the shelf at Rutland Pharmacy on multiple occasions while she was working as a pharmacy technician at the pharmacy and she drank the Tussionex. Meyer admitted that the last time she took the Tussionex from the shelf at Rutland Pharmacy and drank it was on 5-21-09."

"Meyer was issued a citation to appear in court and released."

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

6. An Arraignment Hearing was held on August 31, 2009 in Rutland District Court regarding the above described event. It was determined that Probable Cause was sufficient on two separate charges to bind the case over for trial. Said charges were:

Embezzlement, Felony, 13 V.S.A. 2531

Depressant/Stimulant/Narcotic-Possession Less Than 100X Dose, Misdemeanor, 18 V.S.A. 4234 (a) (1).

Relief Requested

7. The facts as set out above establish that in order to protect the public health, safety or welfare of the people of the State of Vermont emergency action is imperative.

WHEREFORE, the Respondent's license should be summarily suspended, because the public health, safety or welfare imperatively requires emergency action pursuant to 3 V.S.A. § 814(c).

DATED at Montpelier, Vermont this 8th day of October 2009.

STATE OF VERMONT
SECRETARY OF STATE

By: _____

Gregg Meyer
State Prosecuting Attorney

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107