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**FILED**

MAR 10 2010

BOARD OF PHARMACY

By: Jodi C. Krugman  
Deputy Attorney General  
Tel: (973) 648-2975

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION OR :  
REVOCAION OF THE REGISTRATION OF :  
:  
KATHLEEN E. MAXVITAT :  
Registration No.: 28RW00767100 :  
:  
TO PRACTICE AS A PHARMACY :  
TECHNICIAN IN THE STATE OF NEW JERSEY :  
:

**CONSENT ORDER OF  
REVOCAION  
OF REGISTRATION**

This matter was opened to the New Jersey State Board of Pharmacy ("Board") upon receipt of a report dated April 22, 2009 from Walmart notifying the Board that Kathleen E. Maxvitat ("Respondent") was terminated from Walmart because she admitted stealing for personal use from Walmart the following medication(s): hydrocodone APAP 7.5/500 mg, hydrocodone APAP 5/500 mg, and Tramadol.

The Board finds that Respondent's theft of medication, including controlled dangerous substances, without valid prescriptions, provides grounds to take disciplinary action against Respondent's registration to practice as a pharmacy technician in New Jersey pursuant to N.J.S.A. 45:1-21 (b), (e), and (f) in that, Respondent has engaged in the use or employment of dishonesty,

deception, and misrepresentation, has engaged in professional misconduct, and has engaged in acts constituting a crime or offense relating adversely to the practice of pharmacy, the activity regulated by the Board.

The parties, having agreed to the resolution of this matter without further formal proceedings, and Respondent having agreed and given voluntary consent to the within Order and waiving any right to a hearing in this matter, and the Board finding the within disposition adequately protective of the public health, safety and welfare, and other good cause having been shown;

IT IS, therefore on this 5 day of February, 2010

ORDERED THAT:

1. Respondent's registration to practice as a pharmacy technician in the State of New Jersey be and hereby is surrendered for a minimum period of five (5) years, such surrender to be deemed a revocation of Respondent's registration.

2. Respondent shall immediately cease and desist from engaging in practice as a pharmacy technician, which includes, but is not limited to the following: Respondent shall not retrieve prescription files or patient files; shall not prepare medication labels; shall not engage in data entry for any pharmacy, shall not count, weigh, measure, pour or compound prescription medication or stock legend drugs and controlled substances; shall not fill an automated medication system; shall not accept authorization for a prescription refill or renewal; shall not handle anything requiring a prescription, including devices and medications; shall not handle prescriptions; and shall not be present within a prescription filling area of a pharmacy.

3. Respondent shall surrender her original registration to the Executive Director of the Board immediately upon the entry of this Order by mailing same to Joanne Boyer, Executive

Director, Board of Pharmacy, P. O. Box 45013, Newark, New Jersey 07101.

4. Prior to any reinstatement of her registration as a pharmacy technician, Respondent shall:

a. Provide, to the Board's satisfaction, evidence that she is capable of discharging the functions of a registrant in a manner consistent with the public's health, safety and welfare and that she is not then suffering from any impairment or limitation resulting from the use of any addictive substance which could affect her practice.

b. Provide the Board with complete treatment records of all diagnostic and rehabilitative therapy, discharge summaries from any in-patient programs, as well as reports from each and every mental health professional (including but not limited to: psychologists, counselors, therapists, psychiatrists) who has participated in Respondent's care and/or treatment during the period of time from the date of the incidents giving rise to the within Order to her appearance before the Board pursuant to this Order.

c. Provide the Board with a full account of her conduct during the intervening period of time from the entry of this Order to her appearance pursuant to this Order.

d. Provide the Board with proof of the resolution of any criminal charges filed against her and compliance with any terms imposed by the criminal authorities, including PTI, parole and/or probation, related to this matter.

e. Appear before the Board or a committee thereof, if so requested, to discuss her readiness to reenter practice as a pharmacy technician. At that time Respondent shall be prepared to propose her plans for future practice in New Jersey.

f. Provide documentation of successful completion of all application requirements including a Criminal History Background Check and payment of all reinstatement fees.

5. If Respondent's registration to practice as a pharmacy technician is reinstated, the Board, in its discretion, may impose any conditions or restrictions on registration it deems necessary to protect the public health, safety and welfare.

NEW JERSEY STATE BOARD OF PHARMACY

By: Edward G. McGinley  
Edward G. McGinley, R.Ph.   
Board President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is given to the Board for the entry of this Order.

Kathleen E. Maxvitat  
Kathleen E. Maxvitat, Pro Se