

FILED

APR 15 2010

BOARD OF PHARMACY

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

IN THE MATTER OF THE SUSPENSION OR
REVOCATION OF THE REGISTRATION OF

Kimberly Naylor
Registration No. 28RW00112400

TO PRACTICE AS A PHARMACY
TECHNICIAN IN THE STATE OF NEW
JERSEY

:
: Administrative
: Action
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: **FINAL ORDER**
: **OF DISCIPLINE**
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This matter was opened to the New Jersey State Board of Pharmacy (Board) upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Kimberly Naylor (Respondent) is registered as a pharmacy technician in the State of New Jersey and has been registered at all relevant times herein.
2. The Board received a report dated May 13, 2009 from CVS Pharmacy #477 notifying the Board that Respondent was terminated from her employment at CVS as a pharmacy technician because she admitted to stealing 500 tablets Hydrocodone (10/650) and 5,600 tablets Hydrocodone (10/500) and selling them to people on the streets in Camden.

3. Respondent was arrested and indicted for third degree theft of property, third degree possession of a Controlled Dangerous Substance (CDS), and second degree possession with intent to distribute CDS.

4. On October 9, 2009 a Judgment of Conviction was entered wherein Respondent plead guilty to 1 count of third degree burglary and was sentenced to "Three years Probation, no contact with any CVS, no drugs, random urine monitoring, 75 hours of community service at 15 per year, verifiable employment, restitution \$3,294.00 to CVS."

CONCLUSIONS OF LAW

The above admission and guilty plea provide grounds for discipline, including the revocation or suspension of respondent's registration to practice as a pharmacy technician in the State of New Jersey pursuant to N.J.S.A. 45:1-21(b) in that she has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense; N.J.S.A. 45:1-21(e) in that she has engaged in professional or occupational misconduct; and N.J.S.A. 45:1-21(f) in that the crimes to which Respondent admitted are crimes of moral turpitude and relate adversely to practice as a pharmacy technician as regulated by the Board.

DISCUSSION

Based on the foregoing findings and conclusions, a

Provisional Order of Discipline was entered by this Board on March 1, 2010, which provisionally suspended the Respondent's registration to practice as a pharmacy technician in the State of New Jersey for five (5) years. The Provisional Order of Discipline clearly stated that it was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor. Respondent failed to submit a response to the POD. Because the POD was forwarded to Respondent's address of record, and because the regular mail was not returned and the certified mail was returned unclaimed, the Board deems service to have been effected. Respondent cannot evade process by failing to claim mail and failing to respond. Accordingly, it is determined that further proceedings are not necessary and that the Provisional Order should be made final.

IT IS, THEREFORE, on this 14th day of APRIL 2010,

ORDERED that:

1. Respondent's registration to practice as a pharmacy

technician in the State of New Jersey be and hereby is suspended for a minimum period of five (5) years.

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 immediately surrender her original registration to: Executive Director Joanne Boyer, New Jersey Board of Pharmacy, P.O. Box 45013, Newark, New Jersey 07101.

4. Prior to any restoration of registration, Respondent shall:

- A. Appear before the Board or a committee thereof 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 and demonstrate evidence of rehabilitation to the Board's satisfaction.
- B. Affirmatively establish her fitness, competence

and capacity to actively practice as a pharmacy technician.

- C. Provide the Board with a full account of her conduct during the intervening period of time from her plea agreement to her appearance for restoration of her registration.
- D. 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.
President