

FILED

JUN 09 2010

BOARD OF PHARMACY

PAULA T. DOW
ATTORNEY GENERAL OF NEW JERSEY
Division of Law - 5th Floor
124 Halsey Street
PO Box 45029
Newark, New Jersey 07101
Attorney for New Jersey Board of Pharmacy

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 :
:
CHRISTOPHER A. HELVITSON :
Registration No.: 28RW00028600 :
:
TO PRACTICE AS A PHARMACY :
TECHNICIAN IN THE STATE OF NEW JERSEY :
:

**PROVISIONAL ORDER
OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Pharmacy (the "Board") upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

PRELIMINARY FINDINGS OF FACT

1. Christopher A. Helvitson ("Respondent") is a registered Pharmacy Technician in the State of New Jersey and has been a registrant at all times relevant hereto. A copy of a printout of the Board's records, indicating respondent's registration status, is attached hereto as Exhibit A and made a part hereof.

2. On or about June 12, 2008, Respondent provided a handwritten, voluntary, signed statement to Lisa Bryant, CVS Regional Loss Prevention Manager, admitting that he stole 4,250 tablets of Hydrocodone 10/325, 300 tablets of Hydrocone 7.5/325, 25 tablets of Phentermine 37.5, 60

tablets of Alprazolam 1mg, 20 tablets of Diazepam 10mg, 8 tablets of Valium 10mg, and 20 tablets of Percocet from the CVS store in which he was employed as a registered Pharmacy Technician. Respondent admitted that he sold some of the drugs and consumed some of the drugs. A copy of respondent's statement is attached hereto as Exhibit B and made a part hereof.

3. On or about June 12, 2008, Respondent was arrested in Middle Township, New Jersey and charged with theft of a Controlled Dangerous Substance (CDS), namely hydrocodone, N.J.S.A. 2C:20-B(1)(C) and distribution of Prescription Legend Drug, N.J.S.A. 2C:35-10.5A(3). A copy of the arrest report is attached hereto as Exhibit C and made a part hereof.

4. On or about August 14, 2008, Respondent waived his right to an indictment and an accusation was filed charging him with Distribution of a Controlled Dangerous Substance, namely, Hydrocodone, schedule III, in violation of N.J.S.A. 2C:35-10.5a(1). A copy of the accusation and waiver of indictment are attached hereto as Exhibit D and made a part hereof.

5. On or about October 24, 2008 Respondent entered PreTrial Intervention ("PTI") for eighteen (18) months. A copy of the Order of Postponement is attached hereto as Exhibit E and made a part hereof.

PRELIMINARY CONCLUSIONS OF LAW

Respondent's theft and unlawful distribution of medication, including controlled dangerous substances, without valid prescriptions, provides grounds to take disciplinary action against Respondent's license to practice pharmacy 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, fraud, deception, and misrepresentation, has engaged in multiple acts of 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.

IT IS therefore on this 9th day of JUNE, 2010

ORDERED that:

1. Respondent's registration to practice as a pharmacy technician in the State of New Jersey is hereby preliminarily suspended for a minimum period of five (5) years from the date of entry of a Final Order of Discipline in this matter, all such suspension to be served as a period of active suspension. The Board will not entertain an application for reinstatement of respondent's registration for at least five years from the filing of the Final Order of Discipline.

2. Upon the filing of a Final Order of Discipline, 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. Within five (5) days following the filing of the Final Order of Discipline, Respondent shall surrender his original registration and the most recent renewal card to the Executive Director of the Board by mailing same to Joanne Boyer, Executive Director, Board of Pharmacy, 124 Halsey Street, P. O. Box 45013, Newark, New Jersey 07101.

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

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

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

d. Provide the Board with proof of the resolution of any criminal charges filed against him 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 his readiness to reenter practice as a pharmacy technician. At that time Respondent shall be prepared to propose his 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.

6. Any practice in this State in violation of the above conditions shall constitute grounds for discipline for violation of a Board Order and professional misconduct.

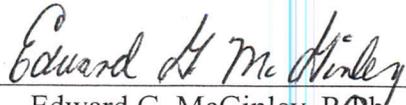
7. The within order shall be subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry hereof unless respondent requests a modification or dismissal of the above stated Findings or Fact or Conclusions of Law by:

- a) Submitting a written request for modification or dismissal to Joanne Boyer, Executive Director, State Board of Pharmacy, 124 Halsey Street, P.O. Box 45013, Newark, New Jersey 07101.
- b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.
- c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefore or offered in mitigation of penalty.

8. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a Final Order of Discipline will be entered.

9. In the event that respondent's submissions establish a need for further proceedings, including but not limited to, an evidentiary hearing, respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions, and sanctions stated herein.

NEW JERSEY STATE BOARD OF PHARMACY

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