

**FILED**

JUL 14 2010

**BOARD OF PHARMACY**

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

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IN THE MATTER OF THE CERTIFICATE OF :

Thomas F. DeFranco :  
License No.: 28RI01710900 :

Administrative Action

TO PRACTICE AS A PHARMACIST :  
IN THE STATE OF NEW JERSEY :

ORDER OF SUMMARY  
SUSPENSION

\_\_\_\_\_  
This matter was opened to the New Jersey State Board of Pharmacy ("Board") upon receipt of information revealing the following:

1. Respondent, Thomas F. DeFranco, is the holder of License No. 28RI01710900 and was licensed to practice as a pharmacist in the State of New Jersey on October 1, 1982 and thereafter permitted that license to lapse on April 30, 2007.

2. On or about May 5, 2009, the Office of Professional Regulation Investigative Division in Vermont received notification from Rite Aid Drugs that Respondent had diverted narcotics from Rite Aid Store in Burlington, VT. Soon thereafter, Respondent furnished a signed letter of explanation to the police admitting his diversion of narcotics for personal use. Respondent entered

a plea of guilty to misdemeanor possession of regulated drugs and was given a one year deferred sentence requiring restitution and community service. Respondent was also issued an Order from the Vermont Board of Pharmacy on September 23, 2009 suspending his license for one year.

3. Respondent's failure to submit his biennial renewal in New Jersey in 2007 has resulted in a lapsed license status and the automatic suspension of Respondent's license to practice as a pharmacist in the State of New Jersey without a hearing pursuant to N.J.S.A. 45:1-7.1(b).

ACCORDINGLY, IT IS on this 14<sup>th</sup> day of JULY, 2010,

ORDERED THAT:

1. Respondent's certificate to practice as a pharmacist in the State of New Jersey is suspended by operation of N.J.S.A. 45:1-7.1, without a hearing.

2. In the event that Respondent seeks reinstatement of his New Jersey certificate at any time in the future, then this Order shall require Respondent to appear before the New Jersey State Board of Pharmacy to establish that he is fit to practice as a pharmacist in New Jersey, has satisfied all terms of his criminal sentencing and that his license to practice pharmacy in Vermont has been reinstated without restrictions. Additionally, the Board reserves the right to take disciplinary action and place restrictions and/or limitations upon Respondent's certificate to practice as a pharmacist in the State of New Jersey.

NEW JERSEY STATE BOARD OF PHARMACY

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