

FILED

JUL 14 2010

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 :
: Administrative Action
Whitley J. King :
Registration No.: 28RW00354000 : FINAL ORDER OF
: DISCIPLINE
TO PRACTICE AS A PHARMACY :
TECHNICIAN IN THE STATE OF NEW JERSEY :

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 findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Whitley J. King ("Respondent") is a certified Pharmacy Technician in the State of New Jersey and has been at all times hereto.

2. Upon receipt of information alleging that Respondent may have engaged in professional misconduct insofar as he stole medications from his pharmacy employer, the Board sent a Demand for Written Statement Under Oath (Demand) dated March 15, 2010 to Respondent's address of record, via regular and certified mail,

return receipt request. The Demand requested that Respondent provide information concerning the above referenced allegations and her work history. The certified letter was returned undeliverable, however. The regular mail was not returned.

3. To date, Respondent has failed to respond to the Board's request.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's Demand constitutes a violation of N.J.S.A. 45:1-21(h) in that Respondent has failed to cooperate with the Board's investigation in contravention of N.J.A.C. 13:45C-1.2 & 1.3. and constitutes a violation of N.J.A.C. 13:45C-1.3(a)7 which requires that all New Jersey licensees provide the Board a timely notice of any change of address from that which appears on the licensee's most recent license renewal or application.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending respondent's license to practice medicine and surgery in the State of New Jersey was filed on May 7, 2010 and a copy was forwarded to Respondent at the last known address on file with the Board via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th 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 in writing 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.

Although the Provisional Order sent by means of certified mail was returned as undeliverable, the regular mail was not returned. Because the Order was forwarded to Respondent's address of record, the Board deems service to have been effected. Accordingly, further proceedings are not necessary and the Provisional Order should be made final.

ACCORDINGLY, IT IS, on this 14th day of JULY, 2010,

ORDERED that:

1. Respondent's certification #28RW00354000 to practice as a Pharmacy Technician be and hereby is suspended until such time as Respondent cooperates with the Board's investigation by providing the Board the requested documentation concerning her employment history and her response to the allegations of professional misconduct.

2. Respondent shall refrain from engaging in practice as a Pharmacy Technician and shall not represent herself as a Pharmacy Technician until such time as her certification is reinstated. Any practice in this State prior to such reinstatement shall constitute grounds for a charge of unlicensed practice.

3. Respondent shall remit payment of a fine and penalty pursuant to N.J.S.A. 45:1-25 in the amount of \$250.00 by certified

check or money order payable to the State of New Jersey, delivered to Joanne Boyer, Executive Director, Board of Pharmacy, 124 Halsey Street, P. O. Box 45013, Newark, New Jersey 07101. Payment shall be made no later than fifteen (15) days **after** the entry date of any Final Order of Discipline in this matter. In the event Respondent fails to make a timely payment, a Certificate of Debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF PHARMACY

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