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FILED

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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 CERTIFICATION OF : Administrative Action
: :
Jennifer Bascenko :
Registration No.: 28RW00966600 : **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 (hereinafter "the Board") upon information which the Board has received and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Jennifer Bascenko ("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 letter from Shore Memorial Hospital notifying the Board that Respondent was suspended from duty pending an investigation into narcotic diversion. In the letter, Ms. Giacomelli stated the Respondent admitted to diverting narcotics, specifically morphine, for personal use.
3. By letter dated August 1, 2009, Respondent admitted that someone observed her throwing out a morphine carpulet and that Respondent admitted that she had a substance abuse problem for which she was seeking treatment.

CONCLUSIONS OF LAW

Respondent's unauthorized diversion of narcotics for personal use from the hospital pharmacy 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)and(e), in that, Respondent has engaged in the use or employment of dishonesty, fraud, deception, and misrepresentation as well as engaged in acts of professional misconduct.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending Respondent's license to practice as a pharmacy technician in the State of New Jersey was entered on June 9, 2010 and a copy was forwarded to Respondent's last known address by certified and regular 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 was sent by means of certified mail, it was returned "unclaimed" on July 6, 2010. The Provisional Order sent by regular mail has not been returned by the Post Office as undeliverable. The Provisional Order gave Respondent an opportunity to respond in 30 days. Since no response from Respondent has been received and Respondent cannot evade process by not responding, the Board deems service to have been effected.

Accordingly, the Board considered the matter, determined that further proceedings were not necessary and the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 11th day of AUGUST, 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 minimum period of one (1) year from the date of this Order.

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 prescription legend drugs or 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; respondent shall not handle prescriptions; and shall not be present within a prescription filling area of a pharmacy.

3. Respondent shall immediately, upon entry of the Final Order of Discipline, surrender her original registration to the Executive Director of the Board by mailing same to Joanne Boyer, Executive Director, 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 re-enter practice as a pharmacy technician. At that time Respondent shall be prepared to propose her plans for future practice in New Jersey.

b. Provide the Board with evidence that she is capable of discharging the functions of a registration holder 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.

- c. Provide the Board with documentation of sobriety to include but not be limited to complete treatment records of all diagnostic and rehabilitative therapy and an in-depth, current evaluation from a psychiatrist or psychologist knowledgeable in addiction therapy. In addition, Respondent shall provide reports from each and every mental health professional (including, but not limited to: psychologists, psychiatrists, counselors, and therapists) who has participated in Respondent's care and/or treatment in this matter during the period of time from her suspension from Shore Memorial Hospital on July 6, 2009 and her appearance before the Board or a committee thereof to discuss her readiness to re-enter practice as a pharmacy technician and demonstrate evidence of rehabilitation to the Board's satisfaction .
- d. Affirmatively establish her fitness, competence, and capacity to re-enter the active practice of pharmacy technician within New Jersey.
- e. 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.

NEW JERSEY STATE BOARD OF PHARMACY

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