

FILED

SEP 08 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	:	Administrative Action
REVOCAION OF THE REGISTRATION OF	:	
	:	
EILEEN T. BURKETT	:	FINAL ORDER
Registration No.: 28RW00038200	:	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 ("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. Eileen T. Burkett ("Respondent") is a registered pharmacy technician in the State of New Jersey and has been a registrant at all times relevant hereto.
2. On or about July 15, 2008, Respondent provided a handwritten, voluntary, signed, sworn statement to Chuck Meyer, CVS Regional Loss Prevention Manager, admitting that during the period of time from October 2007 through July 15, 2008, she stole the following medication(s) from the CVS pharmacy where she was employed as a pharmacy technician: 594 tablets of hydrocodone 5/500mg, 573 tablets of hydrocodone 7.5/500 mg, 2 tablets of hydrocodone 10/750 mg and 20 tablets of Acetaminophen with Codeine #3.
3. On or about July 15, 2008, Respondent was issued a Complaint-Summons originally charging her with Theft of Prescription Pills, in violation of N.J.S.A. 2C:20-3A.

4. On or about February 12, 2009, Respondent was found guilty of an amended Forfeiture charge pursuant to N.J.S.A. 2C:64-1 by the Evesham Township Municipal Court, and fined in the amount of \$2,039.00.

CONCLUSIONS OF LAW

Respondent's theft of medication, including controlled dangerous substances, without valid prescriptions, provides grounds to take disciplinary action against Respondent's registration to practice as a pharmacy technician 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, 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.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking suspension of respondent's registration 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 means of both regular and certified mail. The Provisional Order 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 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 record reflects that the Provisional Order was served upon respondent at her

address of record on file with the Board on June 15, 2010, and a signed green return receipt card was received by the Board, no response has been received to date. Accordingly the Board considered the matter, determined that further proceedings were not necessary and that the Provisional Order should be made final.

IT IS, therefore on this 8th day of SEPTEMBER, 2010

ORDERED THAT

1. Respondent's registration to practice as a pharmacy technician in the State of New Jersey is hereby suspended for a minimum period of five (5) years from the date of entry of this Final Order of Discipline, 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 this Final Order of Discipline.

2. Upon the filing of this 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 this Final Order of Discipline, Respondent shall surrender her 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 her registration as a pharmacy technician, Respondent shall:

a. Provide, to the Board's satisfaction, evidence that she is capable of discharging the functions of a registrant 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.

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 her appearance before the Board pursuant to this Order.

c. 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.

d. Provide the Board with proof of the resolution of any criminal charges filed against her 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 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.

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.

NEW JERSEY STATE BOARD OF PHARMACY

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