

FILED

SEP 03 2010

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

IN THE MATTER OF THE LICENSE OF

ROBERT D. THOMPSON, Jr., RP
License No. 28RI01897700

TO PRACTICE PHARMACY
IN THE STATE OF NEW JERSEY

: Administrative Action
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: FINAL ORDER
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: OF DISCIPLINE
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This matter was opened to the New Jersey State Board of Pharmacy (the "Board") upon receipt of information that respondent Robert D. Thompson, Jr. ("respondent") diverted CDS, including oxycodone and hydrocodone, from the Shop-Rite pharmacy where he was employed. The Board sought further investigation into the matter, including a scheduled investigative inquiry, at which respondent failed to appear. Based on its review of all materials, the Board makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. Respondent Robert D. Thompson, Jr., License No. 28 RI 01897700, was initially licensed to practice pharmacy in this State on November 1, 1986.
2. On or about November 22, 2008, respondent was arrested by the West Deptford Township police, and charged with possession of CDS in violation of N.J.S.A. 2C:35-10A(i), failure to surrender CDS to law enforcement in violation of N.J.S.A. 2C:35-10C; and two counts of theft of CDS in violation of N.J.S.A. 2C:20-2B(2)(C).
3. The police report indicates that respondent admitted to taking approximately

80-100 oxycodone pills and approximately 30 hydrocodone pills from the Shop Rite Pharmacy where he worked.

4. In 2001, respondent was alleged to have diverted Ritalin from his then-employer, Pathmark, for a period of eight months. As a result of those allegations, respondent entered into a Consent Order filed on October 10, 2001 whereby he agreed to place his license on probation for two years, and undergo one year of random urine monitoring with a minimum of two tests per week, with any positive urine results to result in the entry of an order of automatic suspension. The order further provided that respondent was to appear before the Board after one year of probation to determine whether any modification to the terms of the Consent Order was appropriate.

5. The Board determined to conduct further investigation of the matter, and by letter dated June 10, 2009, demanded respondent's appearance to testify at an investigative inquiry before the Board, to be held on July 8, 2009 at 1pm.

6. The letter was sent by certified mail, return receipt requested, to respondent's address of record with the Board. The Board received the green return receipt card containing respondent's signature, indicating receipt of the letter.

7. Although respondent was served with the letter requiring his appearance, he failed to appear on July 8, 2009. To date, he has not contacted the Board either to explain his failure to appear or to reschedule the appearance.

8. In addition, respondent did not renew his license to practice pharmacy prior to its expiration on April 30, 2009, and has not renewed or attempted to renew his license since that time. Thus, respondent's license is suspended by operation of law without a hearing.

CONCLUSIONS OF LAW

As the holder of a license to practice pharmacy, respondent has a duty to cooperate with Board investigations. Respondent was served with a letter demanding his appearance, and the green card containing his signature is evidence of his receipt of the Board's demand. Nevertheless, respondent failed to appear at the investigative inquiry and has made no effort to explain his absence or reschedule his inquiry, constituting a failure to cooperate in violation of N.J.A.C. 13:45C-1.3(a)6, and providing a basis for discipline of respondent's license pursuant to N.J.S.A. 45:1-21(e). In addition, respondent's failure to timely renew his license to practice pharmacy resulted in the automatic suspension of respondent's license to practice pharmacy in the State of New Jersey pursuant to N.J.S.A. 45:1-7.1(b)

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking suspension of respondent's license to practice pharmacy in the State of New Jersey was entered on March 3, 2010 and a copy was forwarded to respondent's last known address of record on file with the Board 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 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 unclaimed, the regular mail was not returned . Because the Order was sent to

respondent's address of record on file with the Board, the Board deems service to have been effected. Accordingly the Board considered the matter, determined that further proceedings were not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 8th day of September, 2010,

ORDERED THAT:

1. Respondent's license to practice pharmacy in New Jersey shall be and hereby is suspended, as a disciplinary sanction, until further Order of the Board. Respondent's license will not be reinstated until respondent appears before the Board to testify concerning his last arrest and dismissal from his employer, and issues related thereto, fully cooperates with the Board's investigation, and the Board has had an opportunity to review respondent's testimony and any additional information requested by the Board. The suspension shall begin immediately upon entry of this Final Order.

2. The Board reserves the right to deny reinstatement, take disciplinary action and place restrictions and/or limitations upon respondent's license to practice pharmacy in the State of New Jersey at such time as respondent may apply for reinstatement of his license.

NEW JERSEY STATE BOARD OF PHARMACY

By: 
Thomas Bender, R.P.
Acting Board President