

FILED

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BOARD OF PHARMACY

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

IN THE MATTER OF THE SUSPENSION : Administrative Action
OR REVOCATION OF THE LICENSE OF :
: **FINAL ORDER OF**
YUMIKO PITMAN, R. P. : **DISCIPLINE**
License No.:28R101995600 :
:
:
TO PRACTICE PHARMACY 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. Yumiko Pitman ("Respondent") is a pharmacist in the State of New Jersey and has been a licensee at all times relevant hereto.
2. On or about April 29, 2009, the Connecticut Commission of Pharmacy approved a Settlement Agreement with Respondent. The agreement recites the allegation that Respondent dispensed legend drugs to herself and her family without obtaining authorization of a practitioner. In entering into the settlement agreement, Respondent made no admissions, but agreed to sanctions including a two-month suspension of her Connecticut pharmacy license, effective March 29, 2009.
3. The settlement agreement further provided that on May 29, 2009, Respondent's license was reinstated and placed on

probationary status for a period of three (3) years, during which she cannot be a managing pharmacist. Respondent also agreed to permanently forego being the dispensing pharmacist for any legend drugs or controlled substances prescribed for herself or her spouse or children.

CONCLUSIONS OF LAW

The disciplinary action taken by the State of Connecticut 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(g), in that Respondent has had her authority to engage in the activity regulated by the Board suspended or revoked by another state for reasons consistent with N.J.S.A. 45:1-21.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending Respondent's license to practice pharmacy in the State of New Jersey was entered on June 9, 2010 and a copy was served on Respondent. The Provisional Order of Discipline 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 Facts 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.

Respondent's attorney responded in a letter dated June 25, 2010 agreeing to the terms of the Provisional Order of Discipline. Respondent also agreed to forward a letter from the Connecticut Commission of Pharmacy confirming the removal of her restrictions when her license was restored to unrestricted status in Connecticut. Respondent's submissions were reviewed by the Board, and the Board determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as Respondent did not dispute the Findings of Fact or Conclusions of Law.

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

ORDERED that:

1. Respondent's license to practice pharmacy in the State of New Jersey be and hereby is suspended for two months, retroactive to March 29, 2009. As of May 29, 2009, Respondent's license shall be placed on probationary status for a minimum of three years, to continue until her Connecticut license is actively reinstated with no restrictions or conditions.

2. During the probationary period, Respondent shall comply with all of the requirements and restrictions of the Connecticut Commission of Pharmacy Settlement Agreement, and shall notify the

New Jersey Board within five (5) business days of receiving a notice of any action filed with regard to an alleged violation of the Connecticut Agreement. Any determination of noncompliance with the Connecticut Agreement shall constitute a violation of this Order.

3. In the event that Respondent seeks reinstatement of an unrestricted New Jersey pharmacy license at any time in the future, this Order shall require Respondent to demonstrate fitness to practice pharmacy, and show proof that she holds an active unrestricted license to practice pharmacy in the State of Connecticut. After considering all available information the Board will determine whether to reinstate Respondent's unrestricted license and may impose restrictions or conditions on Respondent's license at the time of reinstatement.

NEW JERSEY STATE BOARD OF PHARMACY

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