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FILED

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BOARD OF PHARMACY

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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 :
REVOCATION OF THE REGISTRATION OF :
 : Administrative Action
ELIZABETH M. HANKS :
Registration No.: 28RW00673900 : 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. Elizabeth M. Hanks ("Respondent") is a certified Pharmacy Technician in the State of New Jersey and has been at all times hereto.

2. On or about October 29, 2009, Respondent was arrested by Stafford Police for stealing prescription tablets (Hydrocodone/Apap (10/325mg); Hydrocodone/Apap (7.5/325mg); Hydrocodone/Apap (5/325mg); Hydrocodone/Ibuprofen; Norco

(10/325mg); Suboxone (8/2mg)) from Shoprite Pharmacy (located at 297 Route #72, Manahawkin, NJ) where she worked as a Pharmacy Technician.

3. During the investigation and after she was advised of her Miranda rights, Respondent admitted taking the 7 pills mentioned above on October 29, 2009 and further admitted that she took 15-20 tablets at a time on multiple occasions between the beginning of summer 2009 and October 29, 2009. She stated that the pills were for her own use.

CONCLUSIONS OF LAW

The Board provisionally finds that 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, or misrepresentation, has engaged in 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.

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 July 14, 2010 and a copy was forwarded to Respondent's last known

address by certified and regular mail On August 2, 2010. After entry, the Provisional Order was subject to finalization by the Board at 5:00 P.M. on the 30th day following mailing unless respondent requested 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.

The Provisional Order was sent by means of certified mail, and the correspondence was signed for on August 4, 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 13th day of ~~September~~ ^{October}, 2010,

ORDERED that:

1. Respondent's certification #28RW00673900 to practice as a Pharmacy Technician is suspended for five (5) years.
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 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. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

4. 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.

5. 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 so that the Board or a committee thereof may 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