

FILED

JAN 24 2011

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 :
OR REVOCATION OF THE LICENSE OF :

RICHARD PEYSER, R.Ph.

License No.: **28RI02001600**

TO PRACTICE PHARMACY IN THE :
STATE OF NEW JERSEY :

Administrative Action

**FINAL ORDER
OF DISCIPLINE**

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. Respondent, Richard Peyser ("Respondent") is a pharmacist in the State of New Jersey whose license expired on April 30, 1993.
2. By Final Adjudication and Order filed on August 21, 2009, ("Pennsylvania Order"), the Pennsylvania State Board of Pharmacy ("Pennsylvania Board") actively suspended Respondent's license to practice pharmacy in Pennsylvania for a minimum period of three (3) years.
3. The Pennsylvania Board adopted the findings of fact and conclusions of law of the hearing examiner, to which the matter had been delegated by the Pennsylvania Board, and incorporated them by reference into the Pennsylvania Order. The Pennsylvania Board found that

Respondent took from his employer CVS without paying for them, among other things, medications for his own use and used coupons to obtain gift cards in violation of his employer's policy.

CONCLUSIONS OF LAW

The above disciplinary action taken by the sister State of Pennsylvania 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 his 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. The Board retains jurisdiction over respondent's license as he is able to reinstate his license at any time with the filing of the proper documents and fees, and the completion of a criminal history background check.

DISCUSSION

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 July 14, 2010 and a copy was forwarded to Respondent at the last known address 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 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.

The Provisional Order sent by means of certified mail was returned as "RETURN TO SENDER - UNDELIVERABLE AS ADDRESSED - FORWARDING ORDER EXPIRED". Because the Order was forwarded to Respondent's address of record, the Board deems service to have been effected pursuant to N.J.A.C. 13:39-3.4(c). Respondent cannot evade process by failing to provide the Board with an accurate address of record as required by N.J.A.C. 13:39-3.4(a). Accordingly, it is determined that further proceedings were not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 31st day of January, 2011,

ORDERED that:

1. Respondent's license to practice pharmacy in New Jersey is hereby suspended for a minimum of three years, effective September 21, 2009, contemporaneous with the suspension imposed by the Pennsylvania Order. The entirety of the suspension shall be served as a period of active suspension.

2. After the completion of the period of active suspension, Respondent may make application for the reinstatement of his New Jersey license. The application shall include proof that he holds an unrestricted license to practice pharmacy in Pennsylvania. In addition, Respondent must provide the documentation required for the reinstatement of his license in Pennsylvania, including:

- (a) Certificates of completion of at least three (3) hours of ACPE-accredited continuing education credits in the topic designator: law. These credit hours are in addition to the general continuing education requirement and cannot be used to satisfy the continuing legal education requirement for the current or any future renewal period.
- (b) A criminal history record check from the Pennsylvania State Police obtained within sixty (60) days of the petition for reinstatement.

- (c) A form verifying that Respondent has not practiced pharmacy in Pennsylvania during the period of suspension.

Respondent will also be required to show proof of the necessary continuing education required for reinstatement in New Jersey and compliance with any requirements imposed by criminal authorities, if applicable.

3. If Respondent seeks the reinstatement of his license in New Jersey, after considering all available information, the Board will determine whether to reinstate Respondent's license, and may impose restrictions or conditions on Respondent's license in the event reinstatement is granted.

4. Upon the filing of this Final Order, Respondent shall immediately begin complying with the conditions listed in Paragraph One, above.

5. Any practice in this State in violation of the above conditions shall constitute grounds for the charge of unlicensed practice.

NEW JERSEY STATE BOARD OF PHARMACY

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