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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 LICENSE OF

VINCE E. DELUCA, R.P.
Lic. No. 28R102328800

TO PRACTICE PHARMACY IN THE
STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Pharmacy (the "Board") upon receipt of information that respondent Vince E. Deluca ("respondent") was arrested on two different occasions – August 21, 2009 and September 8, 2009 – for allegedly stealing stock bottles of hydrocodone from two different Kinney Drug Store locations. On August 21, 2009, respondent was arrested and charged with two counts of criminal possession of a controlled substance in the fifth degree with intent to sell, in violation of NYPL §220.16-01, and two counts of petit larceny, in violation of NYPL §155.25, for the theft of two stock bottles of hydrocodone from the Kinney Drug Store in Cortland, New York. On September 8, 2009, the respondent was arrested again and charged with one

count of criminal possession of a controlled substance in the fifth degree, in violation of NYPL §220.16-02, and one count of petit larceny in violation of NYPL §155.25, for the theft of one stock bottle of hydrocodone from the Kinney Drug Store in Cazenovia, New York.

The information giving rise to the arrests resulted from internal investigations and surveillance videos. During an internal investigation concerning a shortage of Hydrocodone tablets from the Kinney Drugs in Cortland, on August 21, 2009, respondent was observed behind the pharmacy counter taking two bottles of Hydrocodone from the shelf. Additionally, at the Kinney Drugs in Cazenovia, on August 12, 2009, surveillance video of respondent behind the pharmacy counter showed Mr. DeLuca dropping a bottle of Hydrocodone on the floor, and picking up the bottle and placing it in his pocket. After the August 21, 2009 incident at the Kinney Drugs in Cortland, respondent was arrested. Respondent was interviewed by the Cortland Police Department, and admitted that, on August 21, 2009, he took two bottles from the Kinney Drug Store in Cortland, New York. Respondent also admitted taking one bottle of Hydrocodone from the Kinney Pharmacy in Cazenovia, NY on an unspecified date. On September 8, 2009, respondent was arrested by the Cazenovia Police Department in connection with alleged thefts that occurred in the Kinney Drugs in Cazenovia.

The Board has reviewed all of the information presented, including the police reports, loss reports from Kinney's Pharmacy, statements of pharmacy employees, and respondent's statements to the police. The Board finds respondent admitted that he engaged in dishonesty and committed acts constituting an offense relating adversely to the profession of pharmacy, providing a basis for discipline against his license pursuant

to N.J.S.A. 45:1-21(b) and (f). The Board finding the within disposition adequately protective of the public health, safety and welfare, and respondent desiring to resolve this matter without formal proceedings and having waived his right to those proceedings, and other good cause having been shown,

IT IS, THEREFORE on this 11th day of May, 2011

ORDERED AND AGREED THAT:

1. Respondent's license to practice pharmacy in the State of New Jersey is hereby suspended for a minimum period of three years, effective June 10, 2010, the date of the entry of his first criminal plea, at which time he had voluntarily refrained from practice. No application for reinstatement of license shall be considered by the Board until the later of three years or the completion of the requirements of any criminal judgment of conviction or diversionary program, similar to PTI. In addition, respondent must demonstrate a minimum of six (6) months of sobriety prior to making any application for reinstatement.

2. Respondent shall immediately cease and desist from engaging in the practice of pharmacy in New Jersey, which includes, but is not limited to the following: respondent shall not handle, order, inventory, compound, count, fill, refill or dispense any drug; he shall not handle anything requiring a prescription, including devices and medications; he shall not handle prescriptions; he shall not advise or consult with patients, and he is prohibited from being present within a prescription filling area of a pharmacy.

3. Respondent shall surrender his wall certificate, wallet certificate, and most recent renewal card of his license, to the Executive Director of the Board by mailing them

to Joanne Boyer, Executive Director, Board of Pharmacy, P. O. Box 45013, Newark, New Jersey 07101, contemporaneously with the signing of this Order.

4. During the period of active suspension, respondent shall enroll in an evaluation and rehabilitation program approved by the Board. Respondent shall comply with all recommendations for treatment.

5. Upon application for reinstatement, respondent shall:

- a. If the Board requests, appear before the Board or a committee thereof to discuss his readiness to reenter the practice of pharmacy. At that time Respondent shall be prepared to propose his plans for future practice in New Jersey.
- b. Provide the Board with evidence that he is capable of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare and that he is not then suffering from any impairment or limitation resulting from the use of any addictive substance which could affect his practice.
- c. Provide the Board with discharge summaries from any in-patient programs and reports from each and every mental health professional (including but not limited to: psychologists, counselors, therapists, psychiatrists) who have participated in Respondent's care and/or treatment during the period of time from the date the within Order is filed to her appearance before the Board.
- d. Provide the Board with a report from all evaluation, rehabilitation or treatment programs in which respondent participates, detailing his compliance with the requirements of the program, including any monitoring requirements, and the nature and extent of his involvement with the program.
- e. Submit to the Board an in-depth, current evaluation from a Board-approved psychiatrist or psychologist and a physician that addresses, among other things, respondent's current status and his mental and physical fitness and ability to practice as a licensed pharmacist.
- f. Provide the Board with proof of the resolution of any criminal charges filed against him and compliance with any terms imposed by the criminal authorities related to this matter, whether enrolled in a

diversionary program, pursuant to a plea agreement or following a trial;

- g. Provide the Board with a full account of his conduct during the intervening period of time from the entry of this Order to any appearance pursuant to this Order.

6. Respondent understands and agrees that the Board may impose additional conditions on respondent's practice of pharmacy upon reinstatement of his license.

NEW JERSEY STATE BOARD OF PHARMACY

By: Thomas F.X. Bender, Jr., R.Ph.
Thomas F.X. Bender, Jr., R.Ph.
Acting Chair

I have read and understood the within Order and agree to be bound by its terms. I understand that this Order has significant legal consequences and I have decided to enter into this agreement without counsel. I consent to the form and entry of the Order by the Board of Pharmacy.

Vince E. DeLuca R.P.
Vince E. Deluca. R.P.