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**FILED**  
MAY 11 2011  
**BOARD OF PHARMACY**

By: Jodi C. Krugman  
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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF PHARMACY

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IN THE MATTER OF THE SUSPENSION :  
OR REVOCATION OF THE LICENSE OF :

Administrative Action

**ROBERT A. MILLER, Jr., R.P.** :  
License No.: 28RI01751400 :

**CONSENT ORDER**

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 that on January 10, 2010, respondent Robert A. Miller, Jr. was arrested and charged with theft of prescription medication in violation of N.J.S.A. 2C:20-3A and distribution of CDS without a legal prescription in violation of N.J.S.A. 2C:35-5B(5).

As part of the investigation, respondent provided a voluntary sworn statement to his employer, Walgreens. In that statement, respondent admitted that for a period of several months, he had given customer A.E. Oxycontin 20mg and Oxycodone IR when she ran out of the medications because he felt sorry for her. He said that her doctor did not keep scheduled appointments with her

so she ran out of her medications, and so he gave her some until she brought in her new prescriptions. He admitted that he thought he could make up the difference in the medication amounts by subtracting the pills from future prescriptions, and then once the amounts were caught up, he would not do it again.

The Board has reviewed all of the information presented, including the documents relating to criminal charges against respondent, and his voluntary statement. The Board finds that respondent repeatedly dispensed controlled substances to customer A.E. without a valid prescription, constituting repeated acts of malpractice and professional misconduct, thereby providing a basis for discipline against his license pursuant to N.J.S.A. 45:1-21(d), (e), (f) and (m). The Board finding the within disposition adequately protective of the public health, safety and welfare, and other good cause having been shown, and respondent desiring to resolve this matter without formal proceedings and having waived his right to those proceedings,

ACCORDINGLY, IT IS on this 29<sup>th</sup> day of March, 2011

ORDERED and AGREED that:

1. Respondent's license to practice pharmacy in the State of New Jersey be and hereby is suspended for a period of eighteen (18) months, effective upon entry of this Order. The first nine (9) months are to be a period of active suspension, and the remaining nine (9) months are to be stayed and served as a period of probation. Respondent shall not resume the active practice of pharmacy until further order of the Board.

2. Respondent shall immediately cease and desist from engaging in the practice of pharmacy, 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 original wall certificate, his wallet certificate, and his most recent renewal card of his license to the Executive Director of the Board immediately upon the execution of this Order by mailing same to Joanne Boyer, Executive Director, Board of Pharmacy, 124 Halsey Street, P. O. Box 45013, Newark, New Jersey 07101.

4. During his period of active suspension, respondent shall take and successfully complete either the ProBE or PRIM-E ethics course. Proof of completion shall be provided to the Board.

5. Upon application for reinstatement, respondent shall:

- a. If requested, 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 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 PTI, pursuant to a plea agreement or following a trial; and
- d. Provide the Board with a full account of his conduct during the intervening period of time from the entry of this Order to his 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: Edward G. McGinley  
Edward G. McGinley, R.Ph.  
Board President

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 consulting legal counsel. I consent to the form and entry of the Order by the Board of Pharmacy.

Robert A. Miller, Jr. R.Ph.  
Robert A. Miller, Jr., R.Ph.