

FILED
SEP 20 2011
BOARD OF PHARMACY

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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
Smethurst (web)
Jill Smethurst, R.P.
License No. 28RI03073800

CONSENT ORDER

TO PRACTICE PHARMACY IN THE
STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Pharmacy (“Board”) upon receipt of information that Jill Smethurst, R.P. (“Respondent”) was terminated from her employment at CVS in Camden, New Jersey and arrested on January 24, 2011 and charged with Obtaining Controlled Dangerous Substance by Fraud in violation of N.J.S.A. 2C:35-13. Respondent admitted that she filled two prescriptions for Azithromycin 250 and two prescriptions for Promethazine-VC Codeine for her fiancé without physician authorization because he was ill and did not have medical insurance. The retail amount of the unauthorized prescriptions filled is \$156.16. On March 21, 2011, Respondent was accepted into a one year Pretrial Intervention Program and ordered to complete 50 hours of community service and pay \$1225 in court fees.

Upon review of all available material, the Board finds that Respondent's admitted conduct constitutes professional misconduct, and the use or employment of dishonesty, fraud, deception, misrepresentation, false promise and false pretense in violation of N.J.S.A. 45:1-21(b) and (e).

The parties, having agreed to resolution of this matter without formal proceedings, and Respondent, having agreed and given her voluntary consent to the within order and waiving any right to a hearing, and the Board finding the within disposition adequately protective of the public health, safety, and welfare, and other good cause having been shown;

IT IS, therefore on this 16th day of SEPTEMBER, 2011

ORDERED THAT:

1. Respondent's license is hereby suspended for a period of one year, the entire period to be stayed and served as a period of probation.
2. During her period of probation, Respondent shall be subject to the following conditions:
 - a. Respondent shall comply fully with all terms of her Pretrial Intervention plan. Upon completion of Pretrial Intervention, Respondent shall provide to the Board documentation of full compliance with all terms of pretrial intervention including but not limited to payment of criminal fines.
 - b. Respondent shall provide a copy of the Order to all present and future employers where a pharmacy license is required for employment or where the respondent has access to medication, prescriptions or patient profiles. Respondent shall ensure that each employer notifies the Board in writing that he or she has received this Order.
 - c. Respondent shall inform the Board in writing of any employment changes, including periods when she is unemployed, and shall provide a detailed description of her job, role and responsibilities.
 - d. Respondent shall not act as a preceptor or a pharmacist-in-charge (RPIC) at any pharmacy and shall not own or have an ownership interest in any pharmacy for the one year period of probation commencing on the entry of this Order.

- e. Respondent hereby consents to the automatic entry of an Order actively suspending her license without notice for the remaining period of her probation, upon the Board's receipt of any information which the Board in its sole discretion deems reliable that Respondent has diverted medication, falsified prescriptions or has failed to comply with any of the conditions set forth in this Order. Respondent shall have the right to apply for removal of the automatic suspension on five (5) days notice but in such event shall be limited to a showing that the information submitted and upon which the Board relied was materially false. In addition, the Board reserves the right to bring further disciplinary action and place restrictions and/or limitations upon Respondent's certificate to practice as a Pharmacist in the State of New Jersey.

NEW JERSEY STATE BOARD OF PHARMACY

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

I have read the within Order, understand and agree to its terms and agree to be bound by them. I consent to the entry of this Order.

Jill Smethurst, R.P.

Consent as to form and entry:

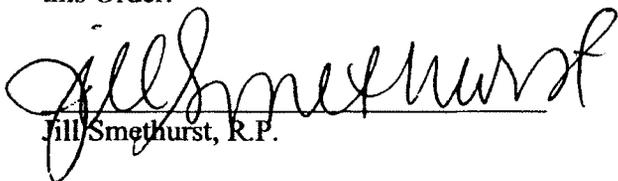
Robert P. Esgro, R.Ph., Esq.
Attorney for Respondent

- e. Respondent hereby consents to the automatic entry of an Order actively suspending her license without notice for the remaining period of her probation, upon the Board's receipt of any information which the Board in its sole discretion deems reliable that Respondent has diverted medication, falsified prescriptions or has failed to comply with any of the conditions set forth in this Order. Respondent shall have the right to apply for removal of the automatic suspension on five (5) days notice but in such event shall be limited to a showing that the information submitted and upon which the Board relied was materially false. In addition, the Board reserves the right to bring further disciplinary action and place restrictions and/or limitations upon Respondent's certificate to practice as a Pharmacist in the State of New Jersey.

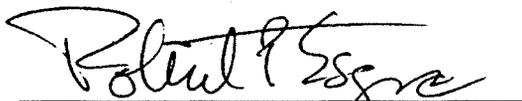
NEW JERSEY STATE BOARD OF PHARMACY

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Edward G. McGinley, R.P.
Board President

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Jill Smethurst, R.P.

Consent as to form and entry:


Robert P. Esgro, R.Ph., Esq.
Attorney for Respondent