

90642

Jeffrey Chiesa  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street, 5<sup>th</sup> Floor  
P.O. Box 45029  
Newark, New Jersey 07101  
Attorney for the Board of Pharmacy

**FILED**

SEP 11 2012

**BOARD OF PHARMACY**

BY: Megan Cordoma  
Deputy Attorney General

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF PHARMACY

<u>IN THE MATTER OF THE SUSPENSION OR</u>	:	
<u>REVOCAION OF THE CERTIFICATION OF</u>	:	Administrative Action
	:	
<b>Jennifer Peralta</b>	:	PROVISIONAL ORDER OF
<b>Registration No. 28RW01638000</b>	:	DISCIPLINE
	:	
<u>TO PRACTICE AS A PHARMACY</u>	:	
<u>TECHNICION IN NEW JERSEY</u>	:	

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 preliminary findings of fact and conclusions of law are made:

**FINDINGS OF FACT**

1. Jennifer Peralta ("Respondent") is a registered pharmacy technician in the State of New Jersey and has been registered at all times relevant hereto. (Exhibit A, Board's L2K printout, attached hereto and made a part hereof).

2. On March 16, 2012, the Respondent made a voluntary statement to her employer Walgreens, Inc. In this signed and witnessed statement the Respondent admitted that she stole Vicodin pills from her employer on about five separate occasions. She

estimates about 1000 pills were stolen over those five separate occasions. (Exhibit B, signed, written statement from Respondent, dated March 16, 2012, attached hereto and made a part hereof).

3. In the police report filed with the New Brunswick Police Department, it states that the Respondent admitted to the theft and agreed to pay her employer \$350 in restitution towards the \$566 worth of medication she had stolen. She paid this amount from the pay she received that day. Respondent was ultimately arrested and charged with violation of N.J.S.A. 2C:20-3A, Theft by Unlawful Taking or Disposition. (Exhibit C, police report from New Brunswick Police Department, attached hereto and made a part hereof).

**CONCLUSIONS OF LAW**

Respondent's unauthorized diversion of narcotics for personal use from her employer pharmacy 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 (b) (e) and (f), in that, Respondent has engaged in the use or employment of dishonesty, fraud, deception, and misrepresentation, has engaged in acts of professional misconduct, and has engaged in an act constituting a crime or offense of moral turpitude relating adversely to activity regulated by the Board.

**ACCORDINGLY, IT IS, on this 11<sup>th</sup> day of SEPTEMBER, 2012,**

**ORDERED that:**

1. Respondent's registration to practice as a pharmacy technician hereby is provisionally suspended for a minimum of five (5) years.

2. Respondent shall refrain from engaging in the practice as a pharmacy technician and shall not represent herself as a pharmacy technician until such time as her registration is reinstated. Any practice in this State prior to such reinstatement shall constitute grounds for a charge of unlicensed practice.

3. Respondent shall immediately, upon entry of a Final Order of Discipline, surrender her original registration to the Executive Director of the Board by mailing same to Anthony Rubinaccio, Executive Director, Board of Pharmacy, P. O. Box 45013, Newark, New Jersey 07101.

4. Prior to any restoration of registration, Respondent shall:

a) At the discretion of the Board, 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. For the purposes of this consent order, current means within three months of the request for reinstatement. 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 during the period of time from her termination from Walgreens Pharmacy on March 16, 2012 and her appearance before the Board or a committee thereof to 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.

5. The within order shall be subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> day following entry hereof unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to Anthony Rubinaccio, Executive Director, 124 Halsey Street, 6th floor, P.O. Box 45013, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor or offered in mitigation of penalty.

6. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a Final Order of Discipline will be entered, and

7. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

NEW JERSEY STATE BOARD OF PHARMACY

By:



Edward G. McGinley, R.Ph.  
Board President