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ATTORNEY GENERAL OF NEW JERSEY
Division of Law
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Newark, New Jersey 07101
Attorney for the Board of Pharmacy

FILED

OCT 03 2012

BOARD OF PHARMACY

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

IN THE MATTER OF THE SUSPENSION OR :
REVOCATION OF THE CERTIFICATION OF : Administrative Action
: :
John W. Hussey : PROVISIONAL ORDER OF
License 28RW00659100 : DISCIPLINE
: :
TO PRACTICE AS A PHARMACY TECHNICIAN :
:

This matter was opened to the New Jersey State Board of Pharmacy (hereinafter "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. John Hussey ("Respondent") is a licensed pharmacy technician in the State of New Jersey, licensed on December 15, 2008. (See L2K printout, annexed hereto as Exhibit A).

2. Upon receipt of notification from Community Medical Center in Toms River that Respondent was terminated from employment, the Board sent a request for information and

personal narrative via regular and certified mail with receipt requested to Respondent's address of record on or about June 29, 2012. The regular mail was not returned. The return receipt indicates that the certified mail was received and signed for. (Board's Request dated June 29, 2012 and the copy of the Return Receipt, annexed hereto as Exhibit B).

3. To date, Respondent has failed to respond to the Board's request.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's letter constitutes a violation of N.J.S.A. 45:1-21(h) in that Respondent has failed to cooperate with the Board's investigation in contravention of N.J.A.C. 13:39C-1.1 et seq. Respondent's failure to provide the Board with a valid address constitutes a violation of N.J.A.C. 13:39-6.10.

ACCORDINGLY, IT IS, on this 3RD day of OCTOBER, 2012,

ORDERED that:

1. Respondent's certification to practice as a pharmacy technician be and hereby is provisionally suspended until such time as Respondent cooperates with the Board's investigation by providing answers to the Board's request for information to the Board's satisfaction.

2. Respondent shall refrain from practicing as a pharmacy

technician and shall not represent himself as a licensed pharmacy technician until such time as his license is reinstated. Any practice in this State prior to such reinstatement shall constitute grounds for a charge of unlicensed practice. For the purposes of this Order, practice as a pharmacy technician includes, but is not limited to the following: respondent shall not retrieve prescription files or patient files; shall not prepare medication labels; shall not engage in data entry for any pharmacy, shall not count, weigh, measure, pour or compound prescription medication or stock prescription legend drugs or controlled substances; shall not fill an automated medication system; shall not accept authorization for a prescription refill or renewal; shall not handle anything requiring a prescription, including devices and medications; respondent shall not handle prescriptions; and shall not be present within a prescription filling area of a pharmacy.

3. Respondent shall remit payment of a fine and penalty pursuant to N.J.S.A. 45:1-25 in the amount of \$250.00 by certified check or money order payable to the State of New Jersey, delivered to Executive Director Anthony Rubinaccio, Board of Pharmacy, P.O. Box 45013, Newark, New Jersey 07101. Payment shall be made no later than fifteen (15) days **after** the

entry date of any Final Order of Discipline in this matter. In the event Respondent fails to make a timely payment, a Certificate of Debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

4. The within order shall be subject to finalization by the Board at 5:00 p.m. on the 30th 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 and submitting her answers to the request for information and personal narrative to Anthony Rubinaccio, Executive Director of the State Board of Pharmacy, 124 Halsey Street, 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.

5. 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.

6. 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
Edward G. McGinley, R.P., President

EXHIBIT A

Quick Lookup Summary Report

Prefix	First Name	Middle Name	Last Name	Suffix
	John	W.	Hussey	
SSN:	195-08-7352	Date Of Birth:	01/23/1985	Date of Death:

School Name: Manchester Twshp. H S
Degree/Certificate: High School Diploma
Date Graduated: 06/01/2003
Major:

License Type: Pharmacy Technician

Obtained By: Application

License No: 28RW00659100

Expiration Date: 08/31/2014
Issue Date: 12/15/2008
Last Renewal: 09/19/2012
License Status: Active
Date This Status: 12/15/2008

Probation?
Limitation?
Restriction?

Address of Record

230 Colt Pl.
Manchester Township NJ 08759

Date This Address: 12/15/2008

EXHIBIT B

EXE SESSION

Aug 02, 2012

English Customer Service USPS Mobile

Register / Sign In



Search USPS.com or Track Packages

Quick Tools

Ship a Package

Send Mail

Manage Your Mail

Shop

Business Solutions

Track & Confirm

JE * EMAIL UPDATED

PRINT DETAILS

YOUR LABEL NUMBER

70040750000266065341

SERVICE

STATUS OF YOUR ITEM

DATE & TIME

LOCATION

FEATURES

Delivered

July 05, 2012, 10:49 am

MANCHESTER TOWNSHIP, NJ 08759

Certified Mail

Depart USPS Sort Facility

July 05, 2012

TRENTON, NJ 08650

Processed through USPS Sort Facility

July 04, 2012, 10:19 pm

TRENTON, NJ 08650

Check on Another Item

What's your label (or receipt) number?



LEGAL

- Privacy Policy
- Terms of Use
- FOIA
- No FEAR Act EEO Data

OTHER USPS SITES

- Business Customer Gateway
- Postal Inspectors
- Inspector General
- Postal Explorer

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7004 0750 0002 6606 5341

U.S. Postal Service™	
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<i>(Domestic Mail Only, No Insurance Coverage Provided)</i>	
For delivery information, visit our website at www.usps.com	
OFFICIAL USE	
Postage \$	Postmark Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Sent To <u>John Hussey</u>	
Street, Apt. No., or PO Box No. <u>230 Colt Place</u>	
City, State, ZIP+4 <u>Manchester Twnsh NJ</u>	
PS Form 3800, June 2002 See Reverse for Instructions	



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
Board of Pharmacy
124 Halsey Street, 6th Floor, Newark, NJ 07102



JEFFREY S. CHIESA
Attorney General

ERIC T. KANEFSKY
Acting Director

Certified Mail 7004 0750 0002 6606 5341
Return Mail Request

John Hussey
230 Colt Place
Manchester Township, NJ 08759

June 29, 2012

Dear Mr. Hussey:

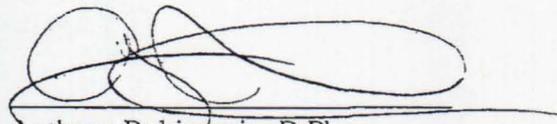
It has come to our attention that you have been terminated from your position as a Pharmacy Technician at Community Medical Center in Toms River, New Jersey.

So the Board can properly evaluate this action, pursuant to NJSA 45:1-18, kindly provide this office with a personal narrative, and complete information concerning this matter, with all relevant documentation.

Your response is expected no later than 15 days from the receipt of this letter. Thank you for your anticipated cooperation. [Failure to cooperate with a board investigation may subject you to discipline pursuant to NJAC 13:39C-1.1 et seq.]

If you have any questions regarding this correspondence, contact the Board's office at the above address and/or telephone number.

Sincerely,
New Jersey State Board of Pharmacy


Anthony Rubinaccio, R.Ph.
Executive Director

AR:lb

Mailing Address:
P.O. Box 45013
Newark, NJ 07101
(973) 504-6450