

# 95822

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**FILED**  
MAR 14 2013  
**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 :  
REVOCAION OF THE REGISTRATION OF :  
: Administrative Action  
**DENISE G. ROMAN** :  
Registration No. 28RW01405500 : PROVISIONAL ORDER OF  
: DISCIPLINE  
TO PRACTICE AS A PHARMACY TECHNICIAN :  
IN THE STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Pharmacy ("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. Denise G. Roman ("Respondent") was registered as a pharmacy technician in the State of New Jersey on October 19, 2010 and, thereafter, permitted her registration to lapse on August 31, 2012. (See Board's L2K printout, attached hereto and made a part hereof as Exhibit A).

2. On or about February 14, 2012, in the Superior Court of New Jersey in Essex County, Respondent pled guilty to and was convicted of one (1) count of knowingly committing health care claims fraud in violation of N.J.S.A. 2C:21-4.3A. On March 19, 2012, Respondent was sentenced to one (1) year of probation and assessed \$157.00. (See Judgment of Conviction, Superior Court of New Jersey, Essex County, attached and made a part hereof as Exhibit B.)

**CONCLUSIONS OF LAW**

Respondent's conviction provides grounds to take disciplinary action against her registration to practice as a pharmacy technician in New Jersey pursuant to N.J.S.A. 45:1-21(f), in that Respondent has engaged in acts constituting a crime or offense of moral turpitude or relating adversely to activity regulated by the Board.

ACCORDINGLY, IT IS, on this 14<sup>th</sup> day of MARCH, 2013,

**ORDERED THAT:**

1. Respondent's registration to practice as a pharmacy technician is hereby provisionally suspended. Such suspension is to run concurrently with Respondent's criminal probation or for five (5) years, whichever is longer.

2. Respondent shall refrain from engaging in practice as a pharmacy technician and shall not represent herself as a licensed 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 application for reinstatement of her registration, Respondent shall:

a) Appear before the Board, at the Board's discretion, 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 and demonstrate she is fit and competent to practice and has been rehabilitated to the Board's satisfaction.

b) Provide the Board with documentation of successful completion of any and all criminal sentencing and probation terms.

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.

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  
Edward G. McGinley, RP  
Board President