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FILED

APR 30 2013

BOARD OF PHARMACY

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

JOHN W. HUSSEY
Registration No. 28RW00659100

TO PRACTICE AS A PHARMACY
TECHNICIAN
IN THE STATE OF NEW JERSEY

ADMINISTRATIVE ACTION

FINAL ORDER WITHDRAWING
PROVISIONAL ORDER OF DISCIPLINE

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 findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. John Hussey ("Respondent") is a registered pharmacy technician in the State of New Jersey, registered on December 15, 2008.

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.

3. At the time the Provisional Order of Discipline was filed on October 3, 2012, it was believed that Respondent had failed to respond to the Board's request.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking the suspension of Respondent's registration to practice as a pharmacy technician in the State of New Jersey and a fine of \$250 was entered on October 3, 2012. A copy was forwarded to Respondent's address of record via certified and regular mail, return receipt requested. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or

other written evidence supporting Respondent's request for consideration and reasons therefore.

On or about October 8, 2012 Respondent replied to the Provisional Order of Discipline by letter. Respondent claimed he submitted a timely written response to the Board's letter of inquiry via a letter dated July 6, 2012. Respondent furnished a copy of said letter. Additionally, respondent claims that he called the Board repeatedly in an attempt to check if his letter was received and to inquire if he was permitted to continue working as a pharmacy technician in the state of New Jersey. In light of Respondent's reply, the Board has determined that the suspension, provisionally imposed by the Order, is no longer appropriate. Additionally, the Board has determined that the \$250.00 civil penalty is not warranted.

CONCLUSIONS OF LAW

Respondent, having replied to the Board's letter of inquiry in a timely manner was not in violation of N.J.S.A. 45:1-21(h). Additionally, Respondent is not in violation of N.J.A.C. 13:39C-1.1 et seq. as he has, to date, cooperated with the Board's investigation.

ACCORDINGLY, IT IS on this 30th day of April, 2013,

ORDERED that:

1. The Provisional Order of Discipline entered on October 3, 2012 is hereby withdrawn.

2. Nothing herein precludes the Board from taking action on the underlying conduct that was originally the subject of inquiry in this matter.

NEW JERSEY STATE BOARD OF PHARMACY

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