

# 95 797

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**FILED**

MAY 29 2013

**BOARD OF PHARMACY**

BY: Megan Cordoma  
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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	:	
	:	
<b>MARITZA M. MIELES</b>	:	ADMINISTRATIVE ACTION
Registration No. 28RW01015200	:	
	:	<b>PROVISIONAL ORDER OF</b>
	:	<b>DISCIPLINE</b>
	:	
TO PRACTICE AS A PHARMACY	:	
TECHNICIAN IN THE STATE OF	:	
NEW JERSEY	:	

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. Maritza M. Mieles ("Respondent") is a registered pharmacy technician in the State of New Jersey and has been registered at all times relevant hereto. (Exhibit A)

2. Upon receipt of a flagging notice indicating that Respondent was arrested on February 14, 2012 by the Union City Police Department for violating N.J.S.A. 2C:35-10A(4) [Possession Marijuana/Hash Under], the Board sent a letter of inquiry requesting certain information and the submission of documents to Respondent's address of record in North Bergen, New Jersey via regular and certified mail on or about April 19, 2012. The regular mailing was not returned; the certified mailing was delivered on or about April 20, 2012. (Exhibit B)

3. The Board received a response to its letter of inquiry on or about April 30, 2012. Respondent provided some of the requested information and documentation in the form of a Union City Municipal Court Complaint Summary Report, a Union City Municipal Court Narrative Summary Report, and a copy of the Notice which informed Respondent of her rescheduled court date on May 23, 2012. (Exhibit C)

4. The Board sent a second letter of inquiry to Respondent's address of record in North Bergen, New Jersey via regular and certified mail on or about February 12, 2013. The Board inquired as to the final disposition of the charges brought against Respondent and made a second request for a personal narrative statement regarding Respondent's version of the underlying conduct which led to her arrest. The regular

mailing was not returned; the certified mailing was returned to the Board as "unclaimed" on or about March 19, 2013. (Exhibit D)

5. To date, Respondent has not fully complied with the Board's requests for information and documentation.

#### CONCLUSIONS OF LAW

Respondent's failure to fully respond to the Board's requests for information and documentation constitutes a failure to cooperate with a Board investigation in contravention of N.J.A.C. 13:45C-1.2(a). Furthermore, Respondent's failure to provide the Board with a valid address constitutes a violation of N.J.A.C. 45C:1.3(7). Pursuant to N.J.A.C. 13:45C-1.2(b), N.J.A.C. 13:45C-1.3(a)(2), and N.J.A.C. 13:45C-1.3(a)(5) the Board considers Respondent's failure to cooperate to be professional misconduct within the meaning of N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h), N.J.S.A. 45:1-25, and N.J.S.A. 45:1-22.

ACCORDINGLY, IT IS on this 29<sup>th</sup> day of MAY, 2013,

ORDERED that:

1. Respondent's registration to practice as a pharmacy technician is provisionally suspended until Respondent cooperates with the Board's investigation by providing the Board

with the information and documentation requested in the Board's letters of inquiry and a valid address of record.

2. A civil penalty in the amount of \$250.00 is provisionally imposed upon Respondent. Payment shall be made by certified check or money order, payable to the State of New Jersey, delivered to Anthony Rubinaccio, Executive Director, State Board of Pharmacy, P.O. Box 45013, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the entry 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.

3. Upon the filing of a Final Order in this matter, Respondent shall immediately cease and desist from engaging in practice as a pharmacy technician, which 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 legend drugs and controlled substances; shall not fill an automated medication system; shall not accept authorization for a prescription refill or renewal; shall not handle anything requiring prescription, including

devices and medications; Respondent shall not handle prescriptions; and shall not be present within a prescription filling area of a pharmacy.

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 to Anthony Rubinaccio, Executive Director, 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.

7. 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