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FILED

MAY 29 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

<u>IN THE MATTER OF THE SUSPENSION OR</u>	:	
<u>REVOCAION OF THE REGISTRATION OF</u>	:	Administrative Action
	:	
JENNIFER PERALTA	:	FINAL ORDER OF
Registration No. 28RW01638000	:	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 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.

2. On March 16, 2012, Respondent made a voluntary statement to her employer, Walgreens. In this signed and witnessed statement Respondent admitted that she stole Vicodin pills from her employer on about five separate occasions. Respondent estimated that, in total, about 1,000 pills were stolen on those five separate occasions.

3. The New Brunswick Police Department's police report states that Respondent admitted to the theft and agreed to pay Walgreens \$350 in restitution towards the \$566 worth of medication she had stolen. Respondent tendered the \$350 and was ultimately arrested and charged with violating N.J.S.A. 2C:20-3A [Theft by Unlawful Taking or Disposition].

CONCLUSIONS OF LAW

Respondent's unauthorized diversion of narcotics from her employer pharmacy on multiple occasions constitutes the employment of dishonesty and deception within the meaning of N.J.S.A. 45:1-21(b), professional misconduct within the meaning of N.J.S.A. 45:1-21(e), and acts relating adversely to the practice of a pharmacy technician within the meaning of N.J.S.A. 45:1-21(f). These violations subject Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21 and N.J.S.A. 45:1-22.

DISCUSSION

Based on the foregoing findings of fact and conclusions of law a Provisional Order of Discipline seeking the suspension of Respondent's certification to practice as a pharmacy technician in the State of New Jersey was entered on September 11, 2012. A copy of the Order was forwarded to Respondent's last known address of record by regular and certified mail on or about January 17, 2013. The regular mailing was not returned; the certified mailing was delivered on or about January 17, 2013. The Order was subject to finalization by the Board at 5:00 p.m. on the 30th day following the date of entry unless Respondent requested a modification or dismissal of the stated findings of fact or conclusions of law by submitting a written

request setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed along with all documents or other written evidence supporting Respondent's request. To date, Respondent has not submitted a response to the Order.

The Order was forwarded to Respondent's address of record and the Board finds that service has been effected. Respondent cannot evade service by failing to provide the Board with a valid address or failing to respond. The Board determines that no discrepancies have been raised with respect its findings and conclusions stated in the Order, no further proceedings are necessary, and the Order should be made final.

ACCORDINGLY, IT IS, on this 29th day of MAY, 2013,

ORDERED that:

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

2. Respondent shall refrain from engaging in the practice of a pharmacy technician and shall not represent herself as a pharmacy technician until such time as her certificate of 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 surrender her original certificate of 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 Respondent's 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 the appearance 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 to 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 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 to be 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 between 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 provide evidence of rehabilitation to the Board's satisfaction.

d) Affirmatively establish her fitness, competence and capacity to re-enter active practice as a pharmacy technician within New Jersey.

e) Provide the Board with a full account of her conduct during the intervening period of time between the entry of this Order and her appearance pursuant to this Order.

NEW JERSEY STATE BOARD OF PHARMACY

By: Edward G. McGinley
Edward G. McGinley R.Ph.
Board President