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**FILED**

JUN 26 2013

**BOARD OF PHARMACY**

BY: Megan Cordoma  
Deputy Attorney General  
(973) 648-3453

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 :  
: :  
**JESSE MUNSICK** : ADMINISTRATIVE ACTION  
License No. 28RW01485000 : :  
: **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 (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. Jesse Munsick ("Respondent") is a registered pharmacy technician in the State of New Jersey and has been registered at

all times relevant hereto. (See L2K Printout attached hereto and made a part hereof as Exhibit A)

2. Upon receipt of a flagging notice indicating that Respondent was arrested on March 8, 2013 by the Lower Township Police Department for violating N.J.S.A. 2C:20-2 [Theft] and N.J.S.A. 2C:35-10 [Possession/Use of Controlled Dangerous Substance], the Board sent a letter of inquiry requesting certain information and the submission of documents to Respondent's address of record in Cape May, New Jersey via certified and regular mail on or about April 17, 2013. The regular mailing was not returned; the certified mailing was delivered on or about April 25, 2013. (See Flagging Notice dated March 11, 2013 attached hereto and made a part hereof as Exhibit B; Letter from the Board dated April 17, 2013 attached hereto and made a part hereof as Exhibit C; Certified Mail Receipt dated April 25, 2013 attached hereto and made a part hereof as Exhibit D)

3. On March 13, 2013, Respondent was terminated from her employment at Sav-On Pharmacy (operated by Super-Valu Pharmacies) after admissions to corporate loss prevention of retail theft of controlled substances from pharmacy stock. (See Letter from Super-Valu Pharmacies dated March 14, 2013 attached hereto and made a part hereof as Exhibit E)

4. Respondent admitted on March 8, 2013 that she had taken Alprazolam 1mg and 2mg tablets and Clonazepam 1mg and 2mg tablets during her employment at Sav-On Pharmacy. (See Letter from Pharmacy Professional Services dated May 28, 2013 with attached written admissions attached hereto and made a part hereof as Exhibit F)

4. To date, Respondent has not provided a response to the Board's requests for information and documentation.

#### CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's letter constitutes violations of N.J.S.A. 45:1-21(e) and (h) in that Respondent has failed to cooperate with the Board's investigation in contravention of N.J.A.C. 13:45C-1.2 & 1.3. 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.

ACCORDINGLY, IT IS on this 26<sup>th</sup> day of June, 2013,

ORDERED that:

1. Respondent's registration to practice as a pharmacy technician is provisionally suspended for a minimum period of five (5) years, and until further order of the Board.

2. 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 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, 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: Thomas F.X. Bender, Jr., R.Ph.  
Thomas F.X. Bender, R.Ph.  
Board President