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BOARD OF PHARMACY

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHARMACY

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|------------------------------------|---|
| IN THE MATTER OF THE SUSPENSION OR | : |
| REVOICATION OF THE REGISTRATION OF | : |
| | : |
| JOSE MALTEZ | : |
| License No. 28RW01918000 | : |
| | : |
| | : |
| | : |
| TO PRACTICE AS A PHARMACY | : |
| TECHNICIAN IN THE STATE OF | : |
| NEW JERSEY | : |

ADMINISTRATIVE ACTION

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 preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Jose Maltez ("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. The Board received a flagging notice indicating that Respondent was arrested on April 10, 2013 by the Egg Harbor Township Police Department for violating N.J.S.A. 2C:35-10A(4) [Possession Marijuana/Hash Under], N.J.S.A. 2C:35-10A(1) [Possession Of Controlled Dangerous Substance Or Analog] and N.J.S.A. 2C:20-3A [Theft of Movable Property]. (See Flagging Notice dated April 11, 2013 attached hereto and made a part hereof as Exhibit B)

3. On March 10, 2013, an initial notification of a significant loss or theft of controlled substances was sent from CVS pharmacy to the New Jersey Drug Control Unit. This loss was due to Employee Pilferage by Respondent. (See Letter to NJ Drug Control Unit dated May 3, 2013 attached hereto and made a part hereof as Exhibit C)

4. Respondent admitted, in the context of an interview with his employer on April 10, 2013, that he had taken 28 Hydrocodone tablets, 12 Lorazepam 2mg tablets, 8 Clonazepam 0.5mg tablets, and 6 Valacyclovir during his employment at CVS Pharmacy. (See Respondent's Statement dated April 10, 2013 attached hereto and made a part hereof as Exhibit D)

CONCLUSIONS OF LAW

Respondent's removal of drugs, including controlled dangerous substances, from his employer pharmacy without authorization and for distribution provides grounds to take disciplinary action against Respondent's registration to practice pharmacy in New Jersey pursuant to N.J.S.A. 45:1-21(b), (e), and (f), in that Respondent has engaged in the use or employment of dishonesty, deception, and misrepresentation; in professional misconduct; and in acts constituting a crime or offense of moral turpitude and/or relating adversely to the activity regulated by the Board.

ACCORDINGLY, IT IS on this 26th 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 from the date of this order, 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 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: Thomas F.X. Bender, Jr., R.Ph.
Thomas F.X. Bender, R.Ph.
Board President