

FILED

AUG 28 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 :
REVOCATION OF THE REGISTRATION OF :
: :
MARITZA M. MIELES : ADMINISTRATIVE ACTION
Registration No. 28RW01015200 :
: **FINAL 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 findings of fact and conclusions of law are made:

FINDINGS OF FACT

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

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.

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.

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.

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.

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 two-hundred and fifty dollars (\$250.00) was entered on May 29, 2013. A copy was forwarded to Respondent's last known address by means of both

regular and certified mail. The regular mailing was not returned; and the certified mail was returned unclaimed. 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.

Because the Order was forwarded to Respondent's address of record, the Board deems service to have been effected. Respondent cannot evade service by failing to provide the Board with a valid address or failing to respond. To date, Respondent has not submitted a response to the Provisional Order. The Board further determined that inasmuch as no discrepancies have been raised with respect to the findings and conclusions of the Provisional Order, no further proceedings are necessary and the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 28 day of August, 2013,

ORDERED that:

1. Respondent's registration to practice as a pharmacy technician is 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 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 this 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 this 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. 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.P.
Thomas F.X. Bender, R.P.
Board President