

95916

FILED

AUG 28 2013

BOARD OF PHARMACY

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law - 5th Floor
124 Halsey Street
PO Box 45029
Newark, New Jersey 07101
Attorney for New Jersey Board of Pharmacy

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

| | | |
|--------------------------------------|---|--------------------------|
| IN THE MATTER OF THE REVOCATION OF | : | |
| THE REGISTRATION OF | : | |
| | : | Administrative Action |
| HELEN S. CHAVARRIAGA, R.P. | : | |
| Registration No. 28RW01043500 | : | 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:

PRELIMINARY FINDINGS OF FACT

1. Helen S. Chavarriaga ("Respondent") was a registered Pharmacy Technician in the State of New Jersey from April 23, 2009 until the expiration of her registration on August 31, 2012. A copy of a printout of the Board's records, indicating Respondent's

registration status, is attached hereto as Exhibit A and made a part hereof.

2. On or about October 6, 2011, Respondent was charged with criminal attempt to obtain a controlled dangerous substance by misrepresentation, fraud, forgery, or deception. Specifically, the complaint alleges that Respondent attempted to obtain alprazolam by misrepresentation, fraud, forgery, or deception, in violation of N.J.S.A. 2C:5-1 and N.J.S.A. 2C:35-13. A copy of the complaint is attached hereto as Exhibit B and made a part hereof.

3. On or about December 15, 2011, Respondent was convicted in Mercer County Superior Court of criminal attempt to obtain CDS, in violation of N.J.S.A. 2C:5-1 and N.J.S.A. 2C:35-13. In addition to other terms, the judgment of conviction required respondent to forfeit her pharmaceutical license. A copy of the Judgment of Conviction is attached hereto as Exhibit C and made a part hereof.

4. In addition, respondent was convicted in Mercer County Superior Court of Assault by Auto, in violation of N.J.S.A. 2C:12-1C(2). The Judgment of Conviction is attached hereto as Exhibit D and made a part hereof.

PRELIMINARY CONCLUSIONS OF LAW

Respondent's convictions, most importantly her conviction of attempted theft and possession of medication, including controlled dangerous substances, without valid prescriptions, provides grounds

to take disciplinary action against her license to practice as a pharmacy technician in the State of New Jersey pursuant to N.J.S.A. 45:1-21(b) and (f) in that Respondent has engaged in the use or employment of dishonesty, fraud, deception, and misrepresentation; and has engaged in acts constituting a crime or offense relating adversely to the practice of pharmacy, the activity regulated by the Board.

IT IS THEREFORE ON THIS 28 day of AUGUST, 2013,

PRELIMINARILY ORDERED THAT:

1. Respondent's registration to practice as a pharmacy technician in the State of New Jersey is hereby preliminarily revoked.

2. Upon the filing of a Final Order of Discipline, 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 a prescription, including devices and medications; shall not handle

prescriptions; and shall not be present within a prescription filling area of a pharmacy.

3. Within five (5) days following the filing of the Final Order of Discipline, Respondent shall surrender her original registration and the most recent renewal card to the Executive Director of the Board by mailing same to Anthony Rubinaccio, Executive Director, Board of Pharmacy, 124 Halsey Street, P. O. Box 45013, Newark, New Jersey 07101.

4. Any practice in this State in violation of the above conditions shall constitute grounds for discipline for violation of a Board Order and professional misconduct.

5. The order shall be subject to finalization by the Board at 5:00 p.m. on the thirtieth (30th) day following entry hereof unless respondent requests a modification or dismissal of the above stated Findings or 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.

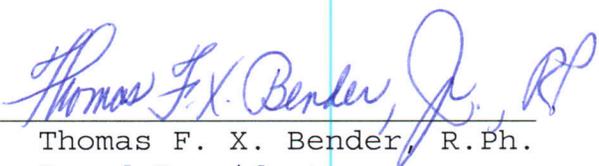
c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefore or offered in mitigation of penalty.

6. 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.

7. 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, R.Ph.
Board President