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FILED

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BOARD OF PHARMACY

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

IN THE MATTER OF THE SUSPENSION OR	:	
REVOCAION OF THE REGISTRATION OF	:	
	:	Administrative Action
MARY ANN SOLOMON	:	
Registration No. 28RW01146900	:	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. Mary Ann Solomon ("Respondent") is a licensed pharmacy technician in the State of New Jersey, and has been licensed at all times relevant hereto. (See L2K printout, annexed hereto as Exhibit A).

2. In a sworn written statement provided to her employer pharmacy on or about November 30, 2011, Respondent admitted she had stolen approximately \$3579.74 worth of controlled medications from CVS and distributed them to unnamed individuals who did not

possess valid prescriptions. (See Respondent's written statement, annexed hereto as Exhibit B)

3. Respondent was arrested for theft and distributing controlled dangerous substances in violation of N.J.S.A. 2C:20-3 and N.J.S.A. 2C:35-5B(14) on November 30, 2011, and plead guilty to theft, in violation of N.J.S.A. 2C:20-3 on or about August 27, 2012. (See Arrest Report, plea and sentencing transcripts and judgment of conviction, annexed hereto as Exhibit C, D, E and F).

4. By letters dated December 29, 2011 and August 30, 2012, the Board sent a request for information and personal narrative via regular and certified mail with receipt requested to Respondent's address of record. To date, Respondent has failed to respond to either request for information from the Board. (See Board letters annexed hereto as Exhibit G).

CONCLUSIONS OF LAW

The Board provisionally finds that Respondent's conduct as described herein, including the removal of controlled dangerous substances from the pharmacy without valid prescriptions, provides grounds to take disciplinary action against Respondent's registration to practice as a pharmacy technician 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, or misrepresentation, has engaged in professional misconduct, and has engaged in acts constituting a crime or offense relating adversely to the practice of pharmacy, the activity regulated by the Board. Respondent's failure to respond to the Board's letter constitutes a violation of N.J.S.A. 45:1-21(h) in that Respondent has failed to cooperate with the Board's investigation in contravention of N.J.A.C. 13:39C-1.1 et seq. Respondent's failure to provide the Board with a valid address constitutes a violation of N.J.A.C. 13:39-6.10.

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

ORDERED that:

1. Respondent's certification to practice as a Pharmacy Technician is hereby provisionally suspended for five (5) years and until further order of the Board.

2. Respondent shall upon finalization of this provisional order 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. Upon finalization of this Order, any practice in this State prior to such reinstatement shall constitute grounds for a charge of unlicensed practice.

4. Respondent shall immediately surrender her original registration to: Executive Director Anthony Rubinaccio, New Jersey Board of Pharmacy, P.O. Box 45013, Newark, New Jersey 07101.

5. Prior to any restoration of registration, Respondent shall:

- A. Appear before the Board or a committee thereof to discuss her readiness to reenter practice as a pharmacy technician. At that time, Respondent shall be prepared to propose her plans for future practice in New Jersey and demonstrate evidence of rehabilitation to the Board's satisfaction.
- B. Affirmatively establish her fitness, competence and capacity to actively practice as a pharmacy technician.

- C. Provide the Board with a full account of her conduct during the intervening period of time from her termination from CVS to her appearance for restoration of her registration.
- D. Provide documentation of successful completion of all application requirements including a Criminal History Background Check and payment of all reinstatement fees.

6. If Respondent's registration to practice as a pharmacy technician is reinstated, the Board, in its discretion, may impose any conditions or restrictions on registration it deems necessary to protect the public health, safety and welfare.

7. 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, Board of Pharmacy, 124 Halsey Street, P. O. Box 45013, Newark, New Jersey 07101.

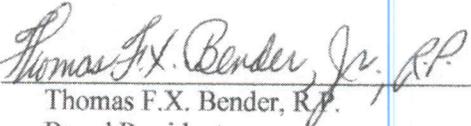
b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

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.

8. 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.

9. 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.P.
Board President