

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 :
 :
JESSE MUNSICK : ADMINISTRATIVE ACTION
 License No. 28RW01485000 :
 : **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. Jesse Munsick ("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 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.

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.

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.

5. 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.

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. A copy was forwarded to respondent's last known address of record by means of both regular and certified mail. The certified mail was returned marked unclaimed and the regular mailing was not returned. No response has been received to date. 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 response to the Provisional Order. The Board further determined 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 28th day of August, 2013,

ORDERED that:

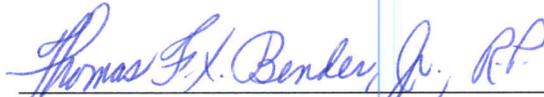
1. Respondent's registration to practice as a pharmacy technician is provisionally suspended for a minimum period of five (5) years, and until further order of the Board.

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.

NEW JERSEY STATE BOARD OF PHARMACY

By:



Thomas F.X. Bender, R.Ph.
Board President