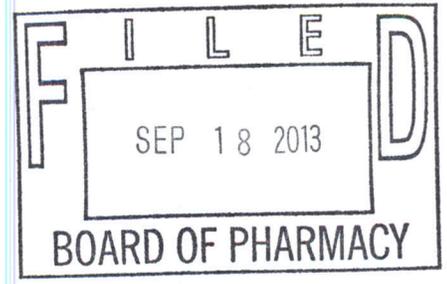


95905



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 SUSPENSION OR :
REVOCATION OF THE REGISTRATION OF: :
: Administrative Action
Dennis Kelly :
Registration No. 28RW01847000 : **PROVISIONAL ORDER**
: **OF DICIPLINE**
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. Dennis Kelly ("Respondent") is a registered Pharmacy Technician in the State of New Jersey and has been a registrant at all times relevant hereto. (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 January 10, 2013, Respondent was arrested by Hawthorne Police Department and charged with one (1) count of Possession of a Controlled Dangerous Substance Or Analog in violation of N.J.S.A. 2C:36-10A(2), and one (1) count of Possession of Drug Paraphernalia in violation of N.J.S.A. 2C:36-2. (A copy of the Criminal History Flagging Report is attached hereto as Exhibit B and made a part hereof.)

3. On April 4, 2013, Respondent pled guilty in the Hawthorne Municipal Court to one (1) count of Possession of Drug Paraphernalia in violation of N.J.S.A. 2C:36-2. Respondent was ordered to pay \$958.00 in fines and complete one (1) year of probation. (A copy of the disposition letter from the Borough of Hawthorne Municipal Court is attached hereto as Exhibit C and made a part hereof.)

PRELIMINARY CONCLUSIONS OF LAW

Respondent's unlawful possession of drug paraphernalia, provides grounds to take disciplinary action against Respondent's license to practice as a pharmacy technician in the State of New Jersey, pursuant to N.J.S.A. 45:1-21 (f), in that Respondent 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 19th day of Sept. 2013,

ORDERED that:

1. Respondent's registration to practice as a pharmacy technician in the State of New Jersey is hereby provisionally suspended for a period of one (1) year, all such suspension to be served as a period of active suspension.

2. Upon entry of a Final Order of Discipline 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 a prescription, including devices and medications; shall not handle prescriptions; and shall not be present within a prescription filling area of a pharmacy.

3. Any practice in this State in violation of the above conditions shall constitute unlicensed practice, and provide further grounds for discipline.

4. Respondent shall comply with all terms of his probation and submit to the Board any and all results of urine screen analysis conducted during his period of probation.

5. 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 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