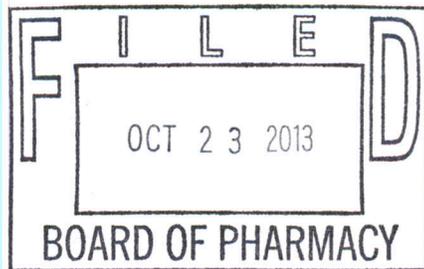


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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PHARMACY

IN THE MATTER OF THE APPLICATION : Administrative Action
OF: :
 :
ASHRAF T. HANNA : PROVISIONAL ORDER
 : OF DENIAL OF LICENSURE
 :
FOR LICENSURE AS A PHARMACIST :
IN THE STATE OF NEW JERSEY :
:

This matter was opened to the New Jersey State Board of Pharmacy ("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. Ashraf T. Hanna ("Respondent") is an applicant for licensure as a pharmacist in New Jersey. In addition, he became registered as a Pharmacy Technician on November 22, 2010, and as a Pharmacist Intern on August 1, 2012. His registrations expire in 2014. (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 November 7, 2011, the Board received a flagging notice, indicating that Respondent was arrested by the East Brunswick Police Department on November 4, 2011, and charged with one count of Shoplifting in violation of N.J.S.A. 2C:20-11 and one count of Criminal Mischief in violation of N.J.S.A. 2C:17-3. (A copy of the criminal history flagging notice is attached hereto as Exhibit B and made a part hereof.)

3. Respondent filed an application for licensure as a pharmacist, dated December 21, 2012. On the application, respondent answered "no" to question eight, asking whether he had ever been arrested for any violation of law, ordinance, felony, misdemeanor, or disorderly persons offense. (A copy of the relevant page of the application is attached hereto as Exhibit C and made a part hereof.)

4. On or about March 20, 2013, the Board received a criminal flagging notice indicating that Respondent was arrested by North Brunswick Police Department on March 19, 2013, and charged with five (5) counts of Distribution of a Prescription Legend Drug in violation of N.J.S.A. 2C:35-10.5A, and five (5) counts of Theft of Movable Property in violation of N.J.S.A. 2C:20-3A. (A copy of the criminal flagging notice is attached hereto as Exhibit D and made a part hereof.)

5. Respondent's arrest came after he admitted, in writing, to theft of prescription drugs. Specifically, on March 1, 2013, Respondent provided his employer, Walmart, with a sworn written statement in which he admitted to stealing Tramadol and Viagra from the Walmart pharmacy. He stated that his uncle asked for the bottles so that they could be sold at his uncle's pharmacy in New York. (A copy of the sworn statement is attached hereto as Exhibit E and made a part hereof.)

PRELIMINARY CONCLUSIONS OF LAW

Respondent's theft of prescription legend drugs provides a basis for denial of his application for licensure as a pharmacist in New Jersey pursuant to N.J.S.A. 45:1-21(f), in that Respondent has engaged in conduct that constitutes a crime or offense relating adversely to the activity regulated by the Board. In addition, respondent's false statement on his application for licensure as a pharmacist provides additional and independent grounds to deny his application for licensure pursuant to N.J.S.A. 45:1-21(a), as respondent sought to obtain a license through fraud, deception or misrepresentation.

IT IS THEREFORE ON THIS 23rd day of October 2013,
ORDERED that:

1. Respondent's application to practice as a pharmacist in the State of New Jersey is hereby provisionally denied. The Board will not entertain an application by Respondent for licensure as a pharmacist for a minimum of five (5) years.

2. 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.

3. 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.

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