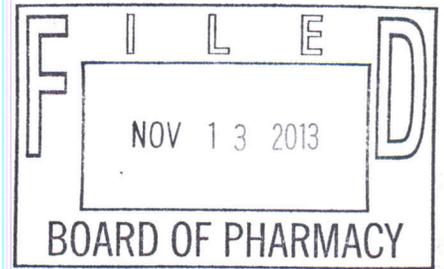


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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION :  
OR REVOCATION OF THE :  
REGISTRATION OF : Administrative Action  
:  
**ZACHARY R. BOYLER** : **CONSENT ORDER**  
Registration No. 28RW01404200 :  
:  
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 that Zachary R. Boyler (Respondent) was arrested on February 8, 2012 by the Plainsboro Police Department and charged with Theft of Movable Property in violation of N.J.S.A. 2C:20-3a, and Possession of Controlled Dangerous Substance in violation of N.J.S.A. 2C:35-10a(1). Respondent admitted to stealing 800 tablets of Hydrocodone from his employer, CVS Pharmacy, during the period October 2011 to the time of his arrest. Respondent agreed to make restitution for the retail value of the stolen pills. Respondent, through his attorney, Clifford

E. Lazzaro, Esq., has stated that he accepts full responsibility for his actions, and is currently in treatment for a substance abuse problem.

Respondent's theft of controlled dangerous substances from his employer provide grounds for disciplinary action 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, fraud, deception, and misrepresentation, has engaged in multiple acts of 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, being desirous of resolving this matter without the necessity of further formal proceedings, and agreeing to waive any right to same, and the Board having determined that this Order is sufficiently protective of the public health, safety and welfare, and all parties agreeing to the terms of this Order;

**ACCORDINGLY, IT IS** on this 13<sup>th</sup> day of November 2013,

**ORDERED THAT:**

1. Respondent's registration to practice as a pharmacy technician in the State of New Jersey is hereby suspended for a minimum period of five years from the date of this Consent Order. Respondent shall refrain from the engaging in practice as a pharmacy technician in this State until such time as he applies for, and is granted, reinstatement of his license, by the Order of the Board.

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

3. Respondent shall surrender his original registration to the Executive Director of the Board immediately upon the entry of this Order by mailing same to Anthony Rubinaccio, Executive Director, Board of Pharmacy, P.O. Box 45013, Newark, New Jersey 07101.

4. Prior to Board consideration of any application for reinstatement of his New Jersey registration, Respondent shall:

- a. Provide the Board with evidence that he is capable of discharging the functions of a registrant in a manner consistent with the public's health, safety and welfare and that he is not then suffering from any impairment or limitation resulting from the use of any addictive substance which could affect his practice.
- b. Provide the Board with documentation of five years of sobriety to include, but not be limited to, complete treatment records of all diagnostic and rehabilitative therapy and an in-depth, current evaluation from a psychiatrist or psychologist knowledgeable in addiction therapy. In addition, respondent shall provide reports from each and every mental health professional (including, but not limited to: psychologists, psychiatrists, counselors, and therapists) who have participated in respondent's care and/or treatment in this matter during the period of time from the date of the incidents giving rise to this Order and his appearance before the Board or a committee thereof to discuss his readiness to reenter the practice of pharmacy.
- c. Provide the Board with proof of the resolution of any criminal charges filed against Respondent and compliance with any terms imposed by the criminal authorities, including PTI, parole and/or probation, related to this matter.
- d. Provide the Board with a full account of his conduct during the intervening period of time from the entry of this Order and to his appearance pursuant to this Order.
- e. Provide documentation of restitution to his former employer, CVS Inc.

- f. Appear before the Board or a committee thereof to discuss his readiness to reenter practice as a pharmacy technician. At that time Respondent shall be prepared to propose his plans for future practice in New Jersey.
  - g. Provide documentation of successful completion of all application requirements including but not limited to a completed application for reinstatement along with the requisite fees, and the required criminal history background check.
5. 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.
6. Failure to comply with any of the terms of this Consent Order or the laws governing the practice of pharmacy may result in further disciplinary action.

NEW JERSEY STATE BOARD OF PHARMACY

By: Thomas F.X. Bender, Jr., R.Ph  
Thomas F.X. Bender, R.P.  
Board President

I have read the within Order and understand its terms. I consent to the entry of this Order by the New Jersey Board of Pharmacy.

Zachary R. Boyler

11-5-13  
Date

Consent as to form and entry.

Clifford E. Lazzato, Esq.  
Attorney for Zachary R. Boyler

11 5-13  
Date