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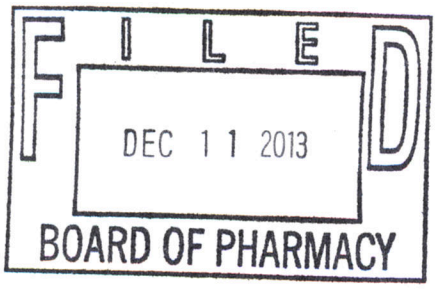

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PHARMACY

IN THE MATTER OF THE REVOCATION OF THE REGISTRATION OF **HELEN S. CHAVARRIAGA** Registration No. 28RW01043500 TO PRACTICE AS A PHARMACY TECHNICIAN IN THE STATE OF NEW JERSEY	Administrative Action **FINAL ORDER OF DISCIPLINE**

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. Helen S. Chavarriaga ("Respondent") was a registered Pharmacy Technician in the State of New Jersey from April 23, 2009 until the expiration of her registration on August 31, 2012

2. On or about October 6, 2011, Respondent was charged with criminal attempt to obtain a controlled dangerous substance by misrepresentation, fraud, forgery, or deception. Specifically, the complaint alleges that Respondent attempted to obtain Alprazolam by misrepresentation, fraud, forgery, or deception, in violation of N.J.S.A. 2C:5-1 and N.J.S.A. 2C:35-13.

3. On or about December 15, 2011, Respondent was convicted in Mercer County Superior Court of criminal attempt to obtain CDS, in violation of N.J.S.A. 2C:5-1 and N.J.S.A. 2C:35-13. In addition to other terms, the judgment of conviction required respondent to forfeit her pharmaceutical license.

4. In addition, respondent was convicted in Mercer County Superior Court of Assault by Auto, in violation of N.J.S.A. 2C:12-1C(2).

CONCLUSIONS OF LAW

Respondent's convictions, most importantly her conviction of attempted theft and possession of medication, including controlled dangerous substances, without valid prescriptions, provides grounds to take disciplinary action against her license to practice as a pharmacy technician in the State of New Jersey pursuant to N.J.S.A. 45:1-21(b) and (f) in that Respondent has engaged in the use or employment of dishonesty, fraud, deception, and misrepresentation; and has engaged in acts constituting a crime or offense relating adversely to the practice of pharmacy, the activity regulated by the Board.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending Respondent's registration to practice as a pharmacy technician in the State of New Jersey was entered on August 28, 2013. A copy was forwarded to Respondent's

last known address of record by means of both regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business 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 therefor.

The regular mailing was not returned. According to the United States Postal Service website tracking for certified mail with return receipt #7009-2820-0003-2796-1237, the mail was delivered and signed for on September 11, 2013, therefore, the Board deems service to have been effected. Respondent may not be allowed to evade process by failing to respond to the Board or failing to keep her address of record current. To date, Respondent has not submitted a response to the Provisional Order. Respondent was on notice pursuant to the criminal resolution that her pharmacy registration would be revoked. The Board further determined that 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.

IT IS THEREFORE ON THIS 11th **day of** December **, 2013,**

ORDERED THAT:

1. Respondent's registration to practice as a pharmacy technician in the State of New Jersey is hereby revoked.

2. Upon the filing of this Order, 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. Within five (5) days following the filing of this Order, Respondent shall surrender her original registration and the most recent renewal card to the Executive Director of the Board by mailing same to Anthony Rubinaccio, Executive Director, Board of

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

4. Any practice in this State in violation of the above conditions shall constitute grounds for discipline for violation of a Board Order and professional misconduct.

NEW JERSEY STATE BOARD OF PHARMACY

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