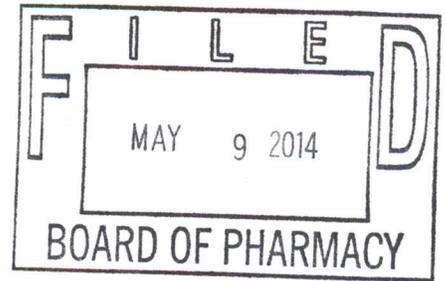


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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION OR :
REVOCAION OF THE REGISTRATION OF: :
: Administrative Action
CANDICE L. GIANETTINO :
Registration No. 28RW00672500 : **PROVISIONAL 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 preliminary findings of fact and conclusions of law are made:

PRELIMINARY FINDINGS OF FACT

1. Candice L. Gianettino ("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 or about November 7, 2012, Respondent provided a handwritten, voluntary, signed, sworn statement to Gina Callahan, MAPM, admitting that she stole from her employer Walmart Pharmacy approximately three hundred (300) Hydrocodone tablets, fifty (50) tablets of Tylenol with codeine and alprazolam. Respondent also admitted that she had a prescription drug problem and was in treatment. A copy of Respondent's voluntary sworn statement dated November 7, 2012, is attached hereto as Exhibit B and made a part hereof.

3. Walmart also provided the Board with a copy of a DEA Form 106 - Report of Theft or Loss of Controlled Substances that enumerates a loss of ninety-two (92) tablets of Alprazolam 2mg, seventy-two (72) tablets of Hydrocodone-APAP 7.5-500, three-hundred and one (301) tablets of Hydrocodone- APAP 10-500, and forty-nine (49) tablets of Acetaminophen-COD #4, with a total value of \$213.00. A post investigation summary was also provided that indicated that respondent had been seen on videotape pouring pills into her hand and placing them in her pocket. The report further indicated that Respondent was terminated from her Walmart employment and criminal charges were filed with the Toms River Police Department. Copies of the DEA form 106 and investigation report are attached hereto as Exhibit C and made a part hereof.

PRELIMINARY CONCLUSIONS OF LAW

Respondent is presently engaged in drug or alcohol use that is likely to impair her ability to practice as a pharmacy technician with reasonable skill and safety, and her theft of prescription medication is an act constituting a crime or offense adversely related to the profession of pharmacy. The facts set forth herein provide grounds to take disciplinary action against Respondent's registration as a pharmacy technician in New Jersey pursuant to N.J.S.A. 45:1-21(f) and (l).

IT IS THEREFORE ON THIS 9th day of May, 2014

ORDERED THAT:

1. Respondent's registration to practice as a pharmacy technician in the State of New Jersey is hereby preliminarily suspended for a minimum of five (5) years from the date of the Final Order of Discipline entered in this matter.

2. Upon the entry of a Final Order of Discipline, 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 the Final Order of Discipline, 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.

5. Prior to any application for restoration of registration, Respondent shall:

- a. At the discretion of the Board, appear before the Board or a committee thereof to discuss her readiness to reenter practice as a pharmacy technician. At that time, Respondent shall be prepared to propose her plans for future practice in New Jersey and demonstrate evidence of rehabilitation to the Board's satisfaction.
- b. Affirmatively establish her fitness, competence and capacity to actively practice as a pharmacy technician.
- c. Provide the Board with a full account of her conduct during the intervening period of time from her

termination from Walmart to her application for restoration of her registration.

- d. Provide the Board with documentation regarding any criminal action that may result from the above referenced actions and documentary proof that she has satisfied all the terms and conditions of her criminal sentence, including but not limited to any period of probation.
- e. Provide documentation of successful completion of all application requirements including a Criminal History Background Check and payment of all reinstatement fees.

6. 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.

7. The order shall be subject to finalization by the Board at 5:00 p.m. on the thirtieth (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.

8. 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.

9. 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

Thomas F.X. Bender, Jr.

By: _____

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