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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 :
:
Oliver Alvarez :
License No. 28RW01950800 :
:
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. Oliver Alvarez ("Respondent") is a registered pharmacy technician in the State of New Jersey and has been registered at all times relevant hereto.

2. The Board received a flagging notice indicating that Respondent was arrested on December 21, 2013 by the Bloomfield Town Police Department for violating N.J.S.A. 2C:20-3A [Theft of Movable Property], N.J.S.A. 2C:35-5A [Manufacturing/ distribute Controlled Dangerous Substance], N.J.S.A. 2C:35-10.5E(2)

[Possession Prescription Legend Drug or Stramonium Preparation], and N.J.S.A. 2C:35-10.5E(1) [Possession Prescription Legend Drug or Stramonium Preparation].

3. On January 3, 2014, an initial notification of a significant loss or theft of controlled substances was faxed from Walgreens Pharmacy to the New Jersey Drug Control Unit. This loss was due to Employee Pilferage by Respondent.

4. Respondent admitted, in the context of an interview with his employer on December 21, 2013, that he had taken 20 bottles of Promethazine with Codeine during his employment at Walgreens Pharmacy.

CONCLUSIONS OF LAW

Respondent's removal of drugs, including controlled dangerous substances, from his employer pharmacy without authorization and for distribution provides grounds to take disciplinary action against Respondent's registration to practice pharmacy in New Jersey 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, deception, and misrepresentation; in professional misconduct; and in acts constituting a crime or offense of moral turpitude and/or relating adversely to the activity regulated by the Board.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking the suspension of Respondent's registration to practice as a pharmacy technician in the State of New Jersey was entered on or about April 21, 2014. A copy was forwarded to Respondent's last known address of record by means of both regular and certified mail. The regular mailing was not returned and the certified mail was delivered by USPS. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th 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.

Because the Order was forwarded to Respondent's address of record, the Board deems service to have been effected. Respondent cannot evade service by failing to provide the Board with a valid address or failing to respond. To date, Respondent has not submitted a response to the Provisional Order. 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.

ACCORDINGLY, IT IS on this 23rd day of July, 2014,

ORDERED that:

1. Respondent's registration to practice as a pharmacy technician is provisionally suspended for a minimum period of five (5) years from the date of finalization of this order, and until further order of the Board.

2. Upon the filing of a Final Order 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 prescription, including devices and medications; Respondent shall not handle

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

7. Nothing herein precludes the Board from taking action on the underlying conduct that was originally the subject of inquiry in this matter.

NEW JERSEY STATE BOARD OF PHARMACY

By: Richard Palombo, RPh
Richard Palombo, R.Ph.
Board Vice-President