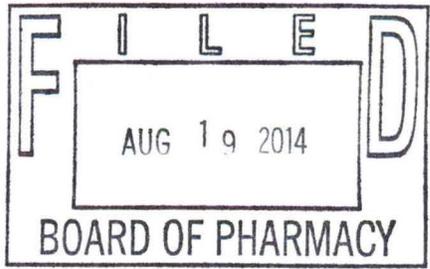


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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION :  
OR REVOCATION OF THE REGISTRATION OF :  
: **CARA PALUCHOVIC** : ADMINISTRATIVE ACTION  
**License No. 28RW00506000** :  
: **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 upon which the following preliminary findings of fact and conclusions of law are made:

**FINDINGS OF FACT**

1. Cara Paluchovic ("Respondent") is a registered pharmacy technician in the State of New Jersey and has been registered at all times relevant hereto. (See L2K Printout attached hereto and made a part hereof as Exhibit A)

2. By correspondence dated September 27, 2013, Robert Wood Johnson University Hospital ("RWJUH") reported that Respondent had been dismissed from employment for drug diversion. (See Executive Directors of RWJUH letter attached hereto and made a part hereof as Exhibit B).

3. Respondent was suspected of having diverted 700 Oxycontin 40 mg tablets and 1,420 Oxycontin 80 mg. The report further indicated that when Respondent met with three members of the RWJUH she admitted diverting the Oxycontin for her personal use and provided a written statement admitting the diversion. (See Respondent's Voluntary Statement attached hereto and made a part hereof as Exhibit C).

#### **CONCLUSIONS OF LAW**

Respondent's admitted removal of drugs, specifically controlled dangerous substances, from her employer pharmacy without authorization 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.

**ACCORDINGLY, IT IS on this** 19<sup>th</sup> **day of** August, 2014,

**ORDERED that:**

**Upon the filing of a FINAL ORDER of Discipline in this matter:**

1. Respondent's license registration to practice as a pharmacy technician is suspended for a minimum period of five (5) years from the date of this order, and until further 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 prescription, including devices and medications; Respondent shall not handle prescriptions; and shall not be present within a prescription filling area of a pharmacy.

3. Any practice in this State prior to such reinstatement shall constitute grounds for a charge of unlicensed practice.

4. Respondent shall immediately surrender her original registration to: Executive Director Anthony Rubincaccio, New Jersey Board of Pharmacy, P.O. Box 45013, Newark, New Jersey 07101.

5. Prior to any 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 employment as a pharmacy technician to her appearance for restoration of her registration.

D. Provide the Board with documentation of no less than six months 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 during the period of time from the termination of her employment in September 2013 to her appearance before the Board or a committee thereof to discuss her readiness to reenter practice as a pharmacy technician.

E. 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.

F. 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 within order shall be subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> day following entry hereof unless Respondent requests a modification or dismissal of the above stated Findings of 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.

10. 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: \_\_\_\_\_

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