



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 : **FINAL 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 findings of fact and conclusions of law are made:

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.

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.

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.

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).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking suspension of Respondent's registration to practice as a pharmacy technician in the State of New Jersey was entered on May 28, 2014, and a copy was forwarded to Respondent at the last known address on file with the Board 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 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.

According to the United States Postal Service website tracking for certified mail with return receipt #7011-0470-0002-1500-4220, delivery was attempted and notice left at Respondent's address of record on July 1, 2014. The certified mail was returned to the Board as unclaimed on July 28, 2014, but the regular mail has not been returned; therefore, the Board deems service to have been effected. No response has been received to date. Respondent may not evade process by failing to respond to the Board. Accordingly, it

is determined that further proceedings are not necessary and that the Provisional Order should be made final.

IT IS THEREFORE ON THIS 12th day of November, 2014

ORDERED THAT:

1. Respondent's registration to practice as a pharmacy technician in the State of New Jersey is hereby suspended for a minimum of five (5) years.

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; 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 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.

NEW JERSEY STATE BOARD OF PHARMACY

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