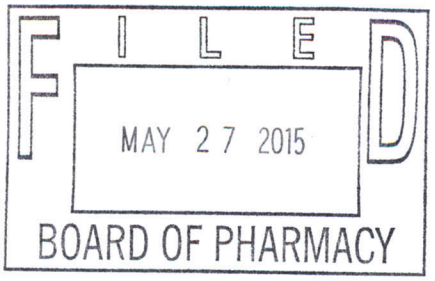

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE REGISTRATION OF **Shanne M. Fraguada** Registration No. 28RW01877000 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 (hereinafter "the Board") upon receipt of information that Shanne M. Fraguada ("Respondent") failed to respond to a request for information sent to her address of record regarding her arrest on February 20, 2001 by the Mountainside Police Department for violating N.J.S.A. 2C:35-10B, Use/Influence Controlled Dangerous Substance.

On August 3, 2012, the Board sent a letter of inquiry requesting certain information and the submission of documents to Respondent's address of record via regular and certified mail with receipt requested on or about August 7, 2012. The regular mail was not returned. The return receipt indicates that the certified mail was returned to the Board as "unclaimed". To date, Respondent has failed to respond to the Board's request.

Failure to respond to the Board's request for information, if proven, would constitute a violation of N.J.S.A. 45:1-21(h) in that Respondent has failed to cooperate with the Board's investigation in contravention of N.J.A.C. 13:39C-1.1 et seq. Failure to provide the Board with a valid address, if proven, would constitute a violation of N.J.A.C. 13:39-6.10.

DISCUSSION

Based on the foregoing, a Provisional Order of Discipline seeking the suspension of respondent's license to practice as a pharmacy technician in the State of New Jersey and a fine of $250 was entered on October 21, 2014. A copy was forwarded to respondent's last known address of record by means of both regular and certified mail. The certified mail was returned marked "unclaimed, unable to forward." No response has been received.

A review of Board records reflects that respondent allowed her registration to expire in August 2014. Accordingly, although the Order was successfully served at respondent's last known address of record, the Board has determined to withdraw the Provisional Order entered in this matter.

However, Respondent's failure to submit her biennial renewal in New Jersey in August 2014 has resulted in a lapsed status and the automatic suspension of Respondent's registration

to practice as a pharmacy technician in the State of New Jersey without a hearing pursuant to N.J.S.A. 45:1-7.1(b).

ACCORDINGLY, IT IS on this 27th day of May, 2015,

ORDERED that:

1. Respondent's registration to practice as a pharmacy technician in the State of New Jersey is suspended by operation of N.J.S.A. 45:1-7.1(b), without a hearing.

2. The Provisional Order filed in this matter on October 21, 2014 is hereby withdrawn in its entirety.

3. In the event that Respondent seeks reinstatement of her New Jersey registration at any time in the future, Respondent may be required to appear before the New Jersey State Board of Pharmacy to establish that she is fit to practice as a pharmacy technician in New Jersey and provide information concerning her arrests. Additionally, the Board reserves the right to take disciplinary action and place restrictions and/or limitations upon Respondent's registration to practice as a pharmacy technician in the State of New Jersey.

4. Respondent shall refrain from practicing as a pharmacy technician and shall not represent herself as a registered pharmacy technician until such time as her registration is reinstated. Any practice in this State prior to such reinstatement shall constitute grounds for a charge of

unlicensed practice. For the purposes of this Order, practice as a pharmacy technician 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 prescription legend drugs or 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; respondent shall not handle prescriptions; and shall not be present within a prescription filling area of a pharmacy.

NEW JERSEY STATE BOARD OF PHARMACY

By: Thomas F.X. Bender, Jr. RPh

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