



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 :
:
ERIC M. GONZALEZ : ADMINISTRATIVE ACTION
Registration No.:28RW01891900 :
:
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 (hereinafter "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. Eric M. Gonzalez ("Respondent") is a registered pharmacy technician in the State of New Jersey and has been registered at all times relevant hereto. He failed to renew his registration, allowing it to expire effective October 3, 2014.

2. On or about July 22, 2014, Respondent provided a handwritten, voluntary, signed statement to Ed Hargrove, CVS Regional Loss Prevention Manager, admitting that he stole

approximately 3,000 tablets of Alprazolam 1mg and approximately 1000 tablets of Alprazolam 2mg from the CVS store in which he was employed as a registered Pharmacy Technician. Respondent admitted that he sold the drugs to unnamed individuals who did not possess valid prescriptions. Respondent agreed to make restitution to CVS in the amount of \$1,686.49.

3. On or about July 22, 2014, Respondent was arrested by Trenton Police Department for theft and distribution of controlled dangerous substances in violation of N.J.S.A. 2C:20-3a [Theft of Movable Property], N.J.S.A. 2C:35-5A(1) [Manufacture/Distribute Controlled Dangerous Substance] and N.J.S.A. 2C:35-10A(1) [Possess Controlled Dangerous Substance or Analog].

4. The Board sent a letter of inquiry to Respondent's address of record in Trenton, New Jersey, via regular and certified mail, requesting certain information and the submission of documents.

5. Respondent replied and took full responsibility for the theft of approximately 4,000 tablets of Alprazolam from CVS. Respondent also provided information regarding his current employment and copies of the Trenton Municipal Court Complaint-Summons issued against Respondent on July 22, 2014.

CONCLUSIONS OF LAW

Respondent's theft and unlawful distribution of medication, including controlled dangerous substances, without valid prescriptions, provides grounds to take disciplinary action against Respondent's registration to practice pharmacy in the State of New Jersey pursuant to N.J.S.A. 45:1-21 (b), (e), and (f) in that Respondent has engaged the use or employment of dishonesty, fraud, deception, and misrepresentation, has engaged in multiple acts of professional misconduct, and has engaged 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 license to practice pharmacy, in the State of New Jersey and a fine of \$250 was entered on October 30, 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; the certified mailing was successfully delivered and signed for by Respondent. 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. No response has been received.

Because the Order was forwarded to respondent's address of record and signed for by respondent, the Board deems service to have been effected. 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 27th day of May, 2015,

ORDERED that:

1. Respondent's registration to practice as a pharmacy technician be and hereby is suspended for five (5) years and until further order of the Board.

2. Respondent shall 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 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.

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

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

5. Prior to any restoration, Respondent shall:

A. Appear before the Board or a committee thereof to discuss his readiness to reenter practice as a pharmacy technician. At that time, Respondent shall be prepared to propose his plans for future practice in New Jersey and shall demonstrate evidence of rehabilitation to the Board's satisfaction.

B. Undergo an in-depth psychological or psychiatric evaluation by a practitioner pre-approved by the Board or the PAP who is experienced in addiction therapy. Respondent authorizes the Board to provide the practitioner with copies of all documents relevant to Respondent's criminal activities and alleged professional

misconduct and with a copy of this Order and Respondent shall ensure that the practitioner has these documents prior to initial evaluation. Respondent shall ensure that the practitioner provides the Board with a written evaluation regarding Respondent's ability to practice pharmacy in a manner protective of the public health, safety and welfare and Respondent shall provide the Board with documentary proof that she has complied with any recommendations made by the practitioner.

C. Provide the Board with complete treatment records of all diagnostic and rehabilitative therapy 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 date the within Order is filed to her appearance before the Board or a committee thereof to discuss his readiness to reenter practice as a pharmacist.

D. Provide the Board with discharge summaries from any in-patient programs and reports from each and every mental health professional (including but not limited to: psychologists, counselors, therapists, psychiatrists) who have participated in Respondent's care and/or treatment for the disability in this matter during the period of time from the date the within Order is filed to his appearance before the Board.

- E. Affirmatively establish his fitness, competence and capacity to actively practice as a pharmacy technician.
- F. Provide the Board with a full account of his conduct during the intervening period of time from the entry of this Order to his appearance pursuant to this Order.
- G. Provide documentation of successful completion of all application requirements including a Criminal History Background check and payment of all reinstatement fees.

NEW JERSEY STATE BOARD OF PHARMACY

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