



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

IN THE MATTER OF THE SUSPENSION OR :
REVOCAION OF THE LICENSE OF :

Barbara Holmes :
License No. 28RW00193300 :

ADMINISTRATIVE ACTION

**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. Barbara Holmes ("Respondent") is a registered pharmacy technician in the State of New Jersey and has been a licensee at all times relevant hereto.

2. The Board received a flagging notice indicating that Respondent was arrested on January 5, 2015 by the Ewing Township Police Department for violating N.J.S.A. 2C:20-3A[Theft of

moveable property].

3. Respondent admitted to her employer, CVS Pharmacy, that she had stolen 5 boxes of Suboxone, 600 tablets of Alprazolam 1mg and 700 tablets of Alprazolam 2mg over a period of approximately 2 months.

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 August 11, 2015. 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 returned unclaimed. 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 notified 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 effective. 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.

CONCLUSIONS OF LAW

The Board finds that Respondent's unauthorized possession of drugs, including controlled dangerous substances, 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 12th day of November, 2015,

ORDERED that:

1. Respondent's registration to practice as a pharmacy technician is suspended for a minimum period of five (5) years 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. Respondent shall immediately surrender her original registration to the Executive Director of the Board by mailing same to Anthony Rubinaccio, Executive Director, Board of Pharmacy, P. O. Box 45013, Newark, New Jersey 07101.

4. Prior to any restoration of registration, Respondent shall:

a. Appear before the Board or a committee thereof to discuss her readiness to re-enter 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 re-enter the active practice of pharmacy technician.

c. Provide the Board with a full account of her conduct during the intervening period of time from the entry of this Order to her appearance pursuant to this Order.

d. Provide documentation of successful completion of all application requirements including a Criminal History Background Check and payment of all reinstatement fees.

e. Provide documentation of successful completion of all criminal sentencing terms (if any) including payment of fines.

5. If Respondent's registration to practice as a pharmacy technician is reinstated, the Board, in its discretion, may impose any conditions or restrictions it deems necessary to protect the public health, safety and welfare.

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

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