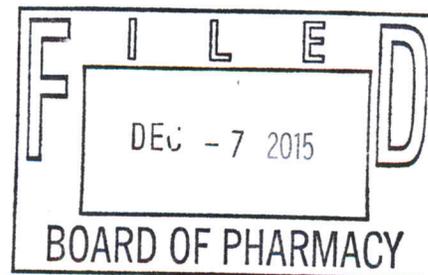


JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street, 5th Floor
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the State Board of Pharmacy



By: Megan Cordoma
Deputy Attorney General
(973) 648-3453

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 LICENSE OF :
: :
Rocky Patel : ADMINISTRATIVE ACTION
License No. 28RW01367600 :
: **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 on which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Rocky Patel ("Respondent") is a registered pharmacy technician in the State of New Jersey and has been a licensee at all times relevant hereto. (See License 2000 printout, attached

hereto and made a part hereof as **Exhibit A**).

2. The Board received a flagging notice indicating that Respondent was arrested on May 9, 2015 by the South Brunswick Township Police Department for violating N.J.S.A. 2C:12-1B(1) [Aggravated Assault]. (See Arrest Report dated 5/9/2015 attached hereto and made a part hereof as **Exhibit B**).

3. Upon receipt of the flagging notice, the Board sent a letter of inquiry, requesting certain information and submission of documents, to Respondent's address of record at 1501-81 Street, North Bergen, New Jersey, via regular and certified mail on or about May 29, 2015. A response was due within fifteen (15) days. (**Exhibit C**).

4. To date, Respondent has not provided a response to the Board's request for information.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C 13:45C-1.2,-1.3, in violation of N.J.S.A. 45:1-21 (e), subjecting Respondent to disciplinary action pursuant to N.J.S.A 45:1-21 (h).

ACCORDINGLY, IT IS on this 7th day of DECEMBER, 2015,
ORDERED that:

UPON THE FILING OF A FINAL ORDER IN THIS MATTER

1. Respondent's certification to practice as a pharmacy technician be and hereby is suspended until such time as Respondent cooperates with the Board's investigation by providing answers to the Board's request for information to the Board's satisfaction.

2. Respondent shall refrain from practicing as a pharmacy technician and shall not represent himself as a registered pharmacy technician until such time as his 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.

3. Respondent shall pay a civil penalty in the amount of \$250.00 within 15 days. Payment shall be made by bank check, money order, wire transfer or credit card made payable to the New Jersey Board of Pharmacy and mailed to the New Jersey State Board of Pharmacy, ATTN: Anthony Rubinaccio, Executive Director, 124 Halsey Street, P.O. Box 45013, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. In the event that respondent fails to make timely payment, interest shall begin to accrue at the annual court rule rate, a Certification of Debt shall be issued, and the Board may institute such other proceedings as are authorized by law.

4. The within order shall be subject to finalization by the Board at 5:00 p.m. on the 30th 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 therefor or offered in mitigation of penalty.

5. 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.

6. 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.

NEW JERSEY STATE BOARD OF PHARMACY

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

Exhibit A

Quick Lookup Summary Report

Prefix **First Name** **Middle Name** **Last Name** **Suffix**
Rocky A Patel

SSN: [REDACTED] **Date Of Birth:** [REDACTED] **Date of Death:**

School Name: North Bergen High School
Degree/Certificate: High School Diploma
Date Graduated: 06/01/2010
Major:

License Type: Pharmacy Technician

License No: 28RW01367600

Expiration Date: 08/31/2016

Issue Date: 09/02/2010

Last Renewal: 08/28/2014

License Status: Active

Date This Status: 09/02/2010

Probation?

Limitation?

Restriction?

Obtained By: Application

Address of Record

[REDACTED ADDRESS]

Date This Address: 09/02/2010

Exhibit B

SOUTH BRUNSWICK POLICE

ARREST REPORT

1. DEPARTMENT SOUTH BRUNSWICK POLICE		2. ORI NO. NJ0122100		3. DEPT. CASE NO. I-2015-027991		4. PROC. CASE NO.		5. INCIDENT NO. I-2015-027991			
6. SUBJECT NO. 1 OF 1		7. NAME (LAST, FIRST, MIDDLE) PATEL, ROCKY A			8. PHONE (AREA)		9. ALIAS / NICKNAME N:				
10. ADDRESS (STREET, MUN. STATE, ZIP)					11. POB		12. U.S. CITIZEN? Y				
13. DOB (MM/DD/YYYY) 1/26/1990		14. AGE 25	15. SEX M	16. RACE ASIAN OR	17. HISPANIC NON-	18. HT. (FT/IN) 5' 10"	19. WEIGHT 141	20. HAIR BLACK	21. EYES BRO	22. <input type="checkbox"/> RIGHT-HANDED <input checked="" type="checkbox"/> LEFT-HANDED	23. <input checked="" type="checkbox"/> RESIDENT <input type="checkbox"/> NON-RESIDENT <input type="checkbox"/> UNKNOWN
24. DESCRIPTIVE - SCARS - MARKS - TATTOOS N/A					25. OCCUPATION MANAGER						
27. EMPLOYER / SCHOOL CVS PHARMACY					28. BUSINESS PHONE (AREA) 973-237-3003		26. MARITAL STATUS Single				
29. EMPLOYER'S ADDRESS (STREET, MUN. STATE) 2230 RT 1 NORTH, NORTH BRUNSWICK, NJ 08902					30. SOCIAL SECURITY NO.						
31. FBI NO. 467193PDS		32. SBI NO. 557415E		33. LOCAL AGENCY NO. 1221		34. OTHER ID NO. (TYPE)		35. DRIVER'S LICENSE NO.		36. STATE NJ	
37. COMPLEXION DARK		38. HAIR STYLE STRAIGHT		39. HAIR LENGTH SHORT		40. FACIAL HAIR Full Beard		41. BUILD SLIM		42. SPEECH Normal	
43. WEAPON <input type="checkbox"/> 1. NONE <input type="checkbox"/> 2. HANDGUN <input type="checkbox"/> 3. SHOTGUN <input type="checkbox"/> 4. RIFLE <input type="checkbox"/> 5. AUTOMATIC <input type="checkbox"/> 6. TOY GUN <input checked="" type="checkbox"/> 7. KNIFE/CUT. INST. <input type="checkbox"/> 8. CLUB/BLACKJACK <input type="checkbox"/> 9. OTHER											
44. LOCATION OF OFFENSE (STREET, MUN. STATE, ZIP)											
45. ARREST DATE (MM/DD/YYYY) 05/09/2015		46. TIME 17:59		47. LOCATION OF ARREST (STREET, MUN. STATE, ZIP)							
48. ARREST <input type="checkbox"/> WARRANT <input type="checkbox"/> ON VIEW <input type="checkbox"/> SUMMONS <input checked="" type="checkbox"/> ON P.C.		49. CRIMINAL WARRANT/SUMMONS NO. W2015000150		50. CRIME / OFFENSE ASSAULT - AGGRAVATED			51. NJ STATUTE 2C:12-1B		52. UCR CODE		
53. TOTAL NO. OF CHARGES 2		54. MV SUMMONS / WARNING NO.		TERRORISTIC THREATS-THREATENS VIOLENCE			2C:12-3A				
55. DATE OF OFFENSE 05/09/2015		56. TELETYPE NO.									
57. FINGERPRINTED Y	58. PHOTOGRAPHED Y	59. PHOTO NUMBER		60. NCIC CHECK <input type="checkbox"/> NO CHECK <input checked="" type="checkbox"/> WANTED <input checked="" type="checkbox"/> NO RECORD		61. CONSTITUTIONAL RIGHTS - BY WHOM		HOW RESPONDED			
62. COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)			ADDRESS (STREET, MUN. STATE, ZIP) SOUTH BRUNSWICK POLICE & COURT - 540 RIDGE ROAD SUITE B, MOJ 732-329-4000					PHONE NO. (AREA)			
63. JUDGE SETTING BAIL MCJ MICHAEL DOWGIN		64. DATE 05/09/2015		65. TIME 19:00		66. AMOUNT \$10,000.00		67. RESULT NO 10%			
68. FINAL DISPOSITION TOT MCACC		69. DATE 05/09/2015		70. PERSONAL PROPERTY TAKEN? Y		SIGNATURE OF ARRESTEE					
71. VEHICLE OWNER'S NAME		72. YEAR	73. MAKE	74. MODEL	75. BODY TYPE	76. COLOR	77. REGISTRATION NO STATE		78. VIN / OTHER IDENTIFYING NO.		
JUVENILE RELEASE SECTION / NEXT OF KIN INFORMATION											
79. JUVENILE OR NEXT OF KIN INFORMATION PARENT / GUARDIAN / PROBATION NAME					STREET ADDRESS						
80. ADDRESS (STREET, MUN. STATE, ZIP)								81. PHONE			
82. DATE CONTACTED		83. TIME CONTACTED		84. RELEASED TO / DETAINED AT			85. DATE		86. TIME		
87. JUVENILE DISPOSITION				88. OFFICER RELEASING JUVENILE			SIGNATURE		BADGE NO.		
89. NARRATIVE / ADDITIONAL CHARGES ON 5/9/15 AT 1759 HOURS THE ABOVE LISTED ACTOR WAS ARRESTED FOR AGGRAVATED ASSAULT AND TERRORISTIC THREATS AS THE RESULT OF A DOMESTIC DISPUTE. THE ACTOR WAS HANDCUFFED BEHIND HIS BACK (HANDCUFFS WERE DOUBLE LOCKED AND CHECKED FOR IT), HE WAS SEARCHED FOR WEAPONS YIELDING NEGATIVE RESULTS AND PLACED IN THE REAR OF VEHICLE 927 AND WAS TRANSPORTED TO HEADQUARTERS FOR PROCESSING. THE REAR OF VEHICLE 927 WAS CHECKED FOR CONTRABAND PRE AND POST TRANSPORT YIELDING NEGATIVE RESULTS. WARRANT #2015000150 WAS TELEPHONICALLY ISSUED BY MCJ MICHAEL DOWGIN WITH BAIL SET AT \$10,000.00 NO 10%. THE ACTOR WAS HANDCUFFED BEHIND HIS BACK (HANDCUFFS WERE DOUBLE LOCKED AND CHECKED FOR IT), HE WAS SEARCHED FOR WEAPONS YIELDING NEGATIVE RESULTS AND PLACED IN THE REAR OF VEHICLE 927 AND WAS TRANSPORTED TO MCACC IN LIEU OF BAIL. THE REAR OF VEHICLE 927 WAS CHECKED FOR CONTRABAND PRE AND POST TRANSPORT YIELDING NEGATIVE RESULTS.											
90. PRINT RANK / OFF NAME PATROLMAN HALMI, MARTIN J			SIGNATURE			91. BADGE NO. 494	92. PAGE NO. 1 OF 1	93. REPORT DATE 05/09/2015	94. REVIEWED BY SERGEANT HERMAN, JO		

Exhibit C

9/2/15 - Exec - SE-7



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
Board of Pharmacy
124 Halsey Street, 6th Floor, Newark, NJ 07102



JOHN J. HOFFMAN
Acting Attorney General

STEVE C. LEE
Acting Director

May 29, 2015

Mailing Address:
P.O. Box 45013
Newark, NJ 07101
(973) 504-6450

Rocky Patel
[REDACTED]
[REDACTED]

Via Regular and Certified Mail

Re: Criminal History Flagging

The Board of Pharmacy has been notified by the New Jersey State Police that you were arrested on May 09, 2015 by the South Brunswick Township police department for aggravated assault.

Before this matter is reviewed by the Board of Pharmacy to determine if the offense warrants disciplinary action under N.J.S.A. 45:1-21(f), please forward the following information within fifteen (15) business days to the Division Consumer Affairs, Health Care Reporting Unit at P.O. Box 46019, Newark, NJ 07101 using the self-addressed envelope enclosed:

A legible copy of the police report with all supporting statements, which can be obtained by visiting the police station where you were arrested.

A legible copy of the court complaint and disposition. This should include the charges, your plea, the court's judgement and the court's assessment of costs, fines, jail time and / or probation (if any). If you have completed probation, this information can be obtained by calling and visiting the Clerk of the Court where the case was heard.

However, if the case is still pending, provide the status of the case and keep this office apprized of any major developments including dismissal, transfer to the Superior Court (county level), grand jury indictment, trial dates, plea agreements, etc. Keep this office apprized of any major changes in the case status.

The name and address of your current employer, your job title and dates of employment.

A narrative statement from you regarding your version of the underlying conduct which gave rise to the underlying crime/offense for which you were arrested.

Failure to respond and provide these items within fifteen (15) business days from receipt of this letter will constitute a violation of the afore stated provisions and may result in the filing of a provisional order of discipline for suspension and imposition of monetary penalties.

Sincerely,

Anthony Rubinaccio
Executive Director