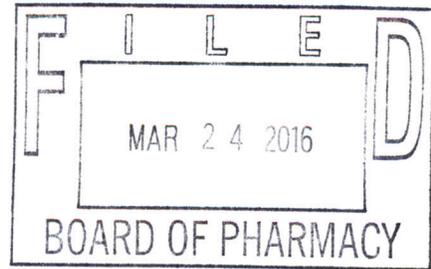


JOHN J. HOFFMAN  
ACTING ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street, 5<sup>th</sup> Floor  
P.O. Box 45029  
Newark, New Jersey 07101  
Attorney for the State Board of Pharmacy

By: Megan Cordoma  
Deputy Attorney General  
(973) 648-4730



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 :  
:  
**Marshaya L. Scurry** : ADMINISTRATIVE ACTION  
Registration No. 28RW00517000 :  
:  
**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. Marshaya Scurry ("Respondent") is a registered pharmacy technician in the State of New Jersey and has been a licensee at all times relevant hereto. (See L2K printout

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

2. The Board received a flagging notice indicating that Respondent was arrested on October 01, 2015 by the Monmouth County Sheriff's Office for violating N.J.S.A. 2C:20-3A[Theft of moveable property]. (See Flagging Notice attached hereto and made a part hereof as **Exhibit B**).

3. Respondent is alleged to have stolen over \$4,000 worth of cash cards from her employer, Costco Wholesale Club. (See NJ Automated Complaint System printout attached hereto and made a part hereof as **Exhibit C**).

4. In a written statement dated October 15, 2015, Respondent admitted that she misused a Costco cash card for her personal use. (See Respondent's statement attached hereto and made a part hereof as **Exhibit D**).

#### **CONCLUSIONS OF LAW**

The Board provisionally finds that Respondent's admitted theft from her employer 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 24<sup>th</sup> day of March, 2016,**

**ORDERED that:**

**Upon the filing of a FINAL ORDER in this matter:**

1. Respondent's registration to practice as a pharmacy technician is suspended for a minimum period of two (2) years from the date of the Final Order entered in this matter, 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.

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

5. 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.

6. 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.

7. 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.

8. 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: Richard A Palombo R.Ph.  
Richard Palombo, R.Ph.  
Board Vice President