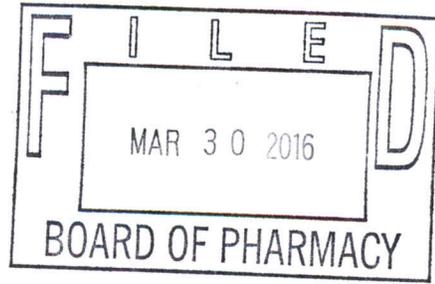


JOHN HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street, 5th Floor
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the Board of Pharmacy

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 :
:
Jahnia Gainer :
Registration No. 28RW02129500 :
:
TO PRACTICE AS A PHARMACY :
TECHNICIAN IN THE STATE OF :
NEW JERSEY :

ADMINISTRATIVE ACTION
**PROVISIONAL ORDER OF
DISCIPLINE**

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 preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Jahnia Gainer ("Respondent") is a registered pharmacy technician in the State of New Jersey and has been registered at

all times relevant hereto. (See License printout, attached and made a part hereto as Exhibit A).

2. The Board of Pharmacy received a criminal flagging notice indicating that Respondent was arrested on October 6, 2015 by the Newark Police Department and charged with Conspiracy Robbery by Force in violation of N.J.S.A. 2C:5-2, Armed Robbery in violation of N.J.S.A. 2C:15-1, Unlawful Possession of a Weapon in violation of N.J.S.A. 2C:39-5D, and Possession of a Weapon for Unlawful Purpose in violation of N.J.S.A. 2C:39-4D. (See Flagging Notice, annexed hereto as Exhibit B).

3. On a letter of inquiry dated October 21, 2015 and sent to Respondent's address of record in Newark, New Jersey via regular and certified mail, the Board requested certain information and the submission of documents. The regular mail was not returned. The return receipt indicates that the certified mail was returned to the Board as "Not Deliverable." (See Board's Request dated August 21, 2015 and a copy of the Return Receipt, annexed hereto as Exhibit C).

4. To date, Respondent has failed to respond to the Board's request.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's letter constitutes 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. Respondent's failure to provide the Board with a valid address constitutes a violation of N.J.A.C. 13:39-6.10.

ACCORDINGLY, IT IS on this 30th day of March, 2016,

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 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.

3. Respondent shall remit payment of a monetary penalty pursuant to N.J.S.A. 45:1-25 in the amount of \$250.00 by certified check or money order payable to the State of New Jersey, delivered to Executive Director Anthony Rubinaccio, Board of Pharmacy, P.O. Box 45013, Newark, New Jersey 07101. Payment shall be made no later than fifteen (15) days **after** the entry date of any Final Order of Discipline in this matter. In the event Respondent fails to make a timely payment, a Certificate of Debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as 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. R.Ph.
Thomas F.X. Bender, R.Ph.
Board President

EXHIBIT A

Quick Lookup Summary Report

Prefix: First Name Middle Name Last Name Suffix
Ms. jahnia gainer
SSN: [REDACTED] Date Of Birth: [REDACTED] Date of Death:

School Name: central highschool
Degree/Certificate:
Date Graduated: 01/01/2010
Major:

School Name: essex county college
Degree/Certificate:
Date Graduated:
Major:

School Name:
Degree/Certificate:
Date Graduated:
Major:

License Type: Pharmacy Technician

License No: 28RW02129500

Expiration Date: 08/31/2016

Issue Date: 05/06/2014

Last Renewal: 08/25/2014

License Status: Active

ate This Status: 05/06/2014

Obtained By: Web Application

- Probation?
- Limitation?
- Restriction?

Address of Record

[REDACTED]

Date This Address: 05/06/2014

EXHIBIT B



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
Criminal History Review Unit

Comp # 109509



JOHN J. HOFFMAN
Acting Attorney General

STEVE C. LEE
Acting Director

Mailing Address:
P.O. Box 186
Trenton, NJ 08625
(609) 826-7184

FLAGGING

October 07, 2015

To: Pharmacy Technicians Committee

REF: Jahnna Gainer

DOB: [REDACTED]

SS#: [REDACTED]

Applicant #: 1794300

Pharm Tech
Active
282W02129500

[REDACTED]

Newark, NJ 07103

As a result of the Flagging System, the following information has been revealed:

1. The above individual was arrested on 10/06/15, by Newark Police Department, for 2C:5-2, Conspiracy Robbery by Force, 2C:39-4D, Possess Weapon Unlawful Purpose, 2C:39-5D, Possess Weapon. Agency Case # 41826.

Please contact this office at 609-826-7126 if you have any questions, concerning the above or dispute any of this information.

Sincerely,
Louis J. Krofka, Chief
Criminal History Review Unit (J.Mc.)

EXHIBIT C



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

October 21, 2015

Jahnna Gainer

[REDACTED]
Newark, NJ 07103

Mailing Address:

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

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 October 6, 2015 by the Newark police department for conspiracy to robbery by force, possessing a weapon with unlawful purpose and possessing a weapon.

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

NJ Office of the Attorney General
DIVISION OF CONSUMER AFFAIRS
HEALTH CARE REPORTING UNIT
P.O. BOX 46019
NEWARK, NJ 07101

Handwritten mark

October 21, 2015

Jahnia Gainer
[Redacted]
Newark, NJ 07103

Via Regular and Certified Mail

071033307100108003

NI-XIE 075 FE 1009 0010728/15

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 07101800319 *1151-00432-28-23



NJ Office of the Attorney General
DIVISION OF CONSUMER AFFAIRS
HEALTH CARE REPORTING UNIT
P.O. BOX 46019
NEWARK, NJ 07101

Jahnia Gainer
[Redacted]
Newark, NJ 07103

Via Regular and Certified Mail

071033307100108003

October 21,

NI-XIE 075 FE 1009 0010728/15

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 07101800319 *1151-10296-30-05



7009 2620 0003 2803 6422

