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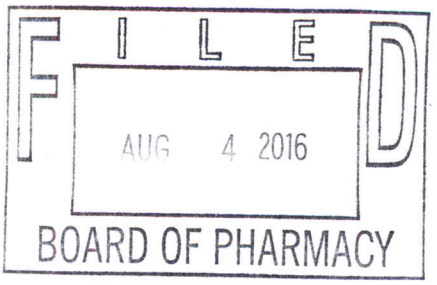

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHARMACY

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 **FINAL 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 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.

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.

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."

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.

DISCUSSION

By Provisional Order of Discipline ("POD") entered on March 30, 2016, the Attorney General sought the suspension of Jahnia Gainer's ("Respondent") registration to practice as a pharmacy

technician in the State of New Jersey until such time as she cooperated with the Board investigation by answering an inquiry into her arrest on October 6, 2015 by the Newark Police Department for conspiracy robbery by force, 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. The POD also sought a $250.00 penalty. A copy of the POD is attached for your convenience.

The order provided that it would be subject to finalization by the Board on the 30th day following its entry unless Respondent requested a modification or dismissal of the Findings of Fact or Conclusions of Law by submitting a written request 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 her request for consideration. Copies of the Provisional Order were mailed to Respondent via certified and regular mail, return receipt requested, to her address of record. The certified mailing was returned, cited as "return to sender, not deliverable as addressed, unable to forward."

To date, Respondent has not submitted a response to the Provisional Order. Because the Order was sent to the correct

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. 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 4th **day of** August**, 2016, ORDERED that:**

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 and until further Order from the Board.

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 this Order. 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.

NEW JERSEY STATE BOARD OF PHARMACY

By: Thomas F.X. Bender, Jr., PhD

Thomas F.X. Bender, R.PH.
Board President