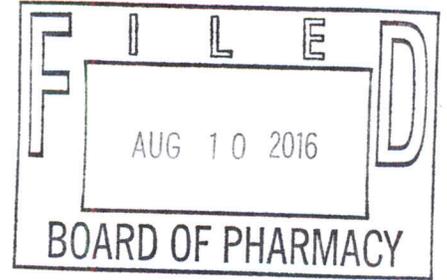


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STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION OR :  
REVOCATION OF THE REGISTRATION OF :  
: Administrative Action  
**CANDICE M. TOMLIN** :  
Registration No. 28RW00873300 : **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. Candice M. Tomlin ("Respondent") became a registered Pharmacy Technician in the State of New Jersey on January 15, 2009. Her registration expired on August 31, 2010. Respondent did not renew during the 2010-2012 renewal period. Respondent applied for reinstatement of her pharmacy technician registration on February 14, 2013 with an expiration of that registration on August 31,

2014. A renewal letter and a reminder letter were sent to Respondent on June 30, 2014 and August 12, 2014, respectively. Respondent failed to renew her registration.

2. On October 28, October 29 and October 30, 2015, the Enforcement Bureau of the Division of Consumer Affairs ("EB") conducted an inspection of Little Falls Pharmacy, located at 75 Newark Pompton Turnpike, Little Falls, New Jersey 07424. At the time of this inspection, Respondent was employed at Little Falls Pharmacy.

3. On October 28, 2015, as part of EB's inspection, Respondent completed a "Pharmacy Personnel Identification Form." On this form, Respondent wrote "Pharmacy Technician" as her job description and left the space designated for her license number blank.

4. Also on October 28, 2015, EB Investigator Robert Rokosz, R.P., observed Respondent performing duties limited to pharmacy technicians or pharmacists, i.e., counting prescription medications and filling cardboard "bingo" cards (blister packs) and affixing prescription labels to the cards, in violation of N.J.A.C. 13:39-6.5(b)(5) and (6).

5. On that same date, Respondent was not wearing the required identification tag for personnel working in the pharmacy, in violation of N.J.A.C. 13:39-6.3.

6. On February 3, 2016, Respondent submitted her "Application for Reinstatement of Pharmacy Technician Registration" to the Board of Pharmacy. Respondent listed Little Falls Pharmacy as her employer from February 2014 to present.

#### **CONCLUSIONS OF LAW**

Respondent has violated N.J.A.C. 13:39-6.3 by failing to wear an identification tag displaying her name and job title while working at Little Falls Pharmacy. Furthermore, Respondent violated N.J.A.C. 13:39-6.5(b)(5) and (6) by continuing to work as a pharmacy technician, performing such duties as handling and labeling prescription medications, despite her pharmacy technician registration having expired more than a year prior.

Respondent's failure to wear an identification tag and her continued performance of the duties of a pharmacy technician, although not registered with the Board, provides grounds to take disciplinary action against Respondent's registration as a pharmacy technician and refusal to reinstate her registration in the State of New Jersey, pursuant to N.J.S.A. 45:1-21 (b), (e) and (h), in that Respondent has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense; has engaged in professional misconduct; and has violated or failed to comply with the provisions of any act or regulation administered by the Board.

## 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 May 11, 2016. On that date, a copy was forwarded to Respondent's last known address of record by means of overnight mail. A copy was also forwarded to Respondent's last known address of record by means of regular mail on June 7, 2016. The regular mailing was not returned. On June 23, 2016, a copy was sent via overnight mail to the address Respondent provided on her February 2016 Application for Reinstatement. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> 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 modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

To date, Respondent has not submitted a response to the Provisional order. 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. 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.

**IT IS THEREFORE ON THIS 10th day of August 2016,**

**ORDERED THAT:**

1. Respondent's registration to practice as a pharmacy technician in the State of New Jersey is hereby suspended effective immediately.

2. Respondent's pharmacy technician registration shall not be reinstated prior to the beginning of the 2016 renewal period, August 31, 2016.

3. A civil penalty in the amount of \$1,000.00 is imposed upon Respondent. Payment shall be made by wire transfer, bank check, money order or certified check made payable to the State of New Jersey, delivered to Anthony Rubinaccio, Executive Director, State Board of Pharmacy, P.O. Box 45013, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the entry of this Final Order of Discipline. 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 Board shall not consider an application for reinstatement of Respondent's pharmacy technician registration until she has paid the \$1,000.00 penalty.

5. 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 a prescription, including devices and medications; shall not handle prescriptions; and shall not be present within a prescription filling area of a pharmacy.

6. Any practice in this State in violation of the above conditions shall constitute unregistered practice, and provide further grounds for discipline and a bar to reinstatement extending beyond the period required here.

7. Respondent shall immediately, within 5 days of service of this Order, surrender her original registration to the Executive Director of the Board by mailing same to Anthony Rubinaccio, Executive Director, Board of Pharmacy, 124 Halsey Street, P.O. Box 45013, Newark, New Jersey 07101.

8. Prior to any application for restoration of registration, Respondent shall:

a) At the discretion of the Board, appear before the Board or a committee thereof to discuss her readiness to reenter 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 actively practice as a pharmacy technician.

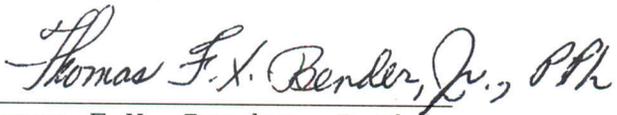
c) Provide the Board with a full account of her conduct during the intervening period of time from the EB inspection on October 28, 2015 to her application for restoration of her registration.

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

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

NEW JERSEY STATE BOARD OF PHARMACY

By:

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