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BOARD OF PHARMACY

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ATTORNEY GENERAL OF NEW JERSEY

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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	:	Administrative Action
OR REVOCATION OF THE LICENSE OF	:	
	:	
Jay Schafer, R.P.	:	CONSENT ORDER
	:	
TO PRACTICE PHARMACY IN THE	:	
STATE OF NEW JERSEY <i>RI 19419</i>	:	

This matter was opened to the State Board of Pharmacy by Deborah T. Poritz, Attorney General of New Jersey, Marianne W. Greenwald, Deputy Attorney General appearing. Respondent entered into a Consent Order with the Board of Pharmacy on May 20, 1993 whereby he agreed to the voluntary surrender of his pharmacy license pending a plenary hearing before the Board upon respondent's application for relicensure.

Respondent appeared before the full Board on March 23, 1993 and testified as to his past treatment for chemical dependence and his present efforts to maintain his sobriety.

It appearing that respondent has completed an in-patient treatment program, continues to attend support group

meetings and continues to have negative drug and alcohol screens, and respondent having satisfied the Board of his intention to continue in his present treatment program, and it further appearing that respondent wishes to resolve this matter without the necessity of further formal proceedings, and for good cause shown,

IT IS THEREFORE, ON THIS *22<sup>nd</sup>* DAY OF *April*, 1994,  
ORDERED:

1. The license of Jay Schafer, R.P. to practice pharmacy in the State of New Jersey is hereby suspended for four (4) years with credit for the time since February 4, 1993 when he voluntarily refrained from the practice of pharmacy. The first one year and two months of said suspension, beginning February 4, 1993, shall be active; the remaining two years and 10 months of said suspension shall be stayed.

2. Respondent shall be on probation for the duration of the stayed suspension commencing April 5, 1994, subject to compliance with paragraphs 3 through 15 herein. If respondent violates any of the provisions of paragraphs 3 through 15 herein, the Board may initiate proceedings to revoke his license to practice pharmacy.

3. Respondent shall not be a pharmacist-in-charge during the entire period of probation.

4. Respondent hereby consents to the entry of an Order of Automatic Suspension of his license without notice upon the Board's receipt of any reliable information such as, but not

limited to, a report of a confirmed positive urine or information from any out-patient program or counselor which reveals evidence of substance abuse during the probationary period.

5. Respondent shall have the right to apply for removal of the automatic suspension on two (2) days notice but in such event shall be limited to a showing that urine tested was not his or was a false positive, in the case of urine testing, or that other information submitted was false.

6. Respondent shall have his urine monitored at his own expense on a random, unannounced basis. Testing shall be performed one time per week throughout the first year of the stayed suspension period commencing April 5, 1994 and two times per month for the duration of that period ending February 4, 1997. The urine specimens shall be performed with direct witnessing by a Board approved monitor. The initial drug screen will utilize the EMIT technique and all confirming tests and/or secondary tests will be performed by gas chromatographing/mass spectrometry (GC/MS). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation thereof.

7. The result of all tests shall be reported directly by the testing laboratory on a monthly basis to H. Lee Gladstein, Executive Director of the Board or his successor, or his designee in the event he is unavailable. The Board may at anytime alter or modify the manner of the testing directed herein. In the event of any such alteration or modification the Board shall give

timely notice of any new testing requirement to the respondent.

8. In the event respondent is unable to appear for a scheduled urine test due to illness or other impossibility, consent to waive that day's test must be secured from the Board office. The lab or monitor will not be authorized to provide consent. In addition, respondent must provide the Board with any written substantiation which may be obtained for his inability to appear, e.g. physician's report.

9. Any failure to appear for a urine test for which consent is not secured from the Board, and for which no written substantiation is furnished satisfactory to the Board within two (2) days of such failure to appear shall be grounds for activation of the suspension upon short notice.

10. Respondent shall submit quarterly documentation that he attends support group meetings at least three times per week for the duration of the probationary period.

11. Respondent shall give written notice to the Board prior to beginning or changing any employment.

12. In connection with any employment in which respondent has access to controlled dangerous substances, he shall disclose his prior drug problem to his employer and serve a copy of the within Order on his employer. Respondent shall cause the Board to receive a letter acknowledging the employer's receipt of the notice required by this paragraph.

13. Respondent shall not use or possess any controlled dangerous substances, except for bona fide medical purposes as

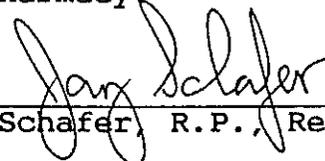
deemed necessary by a physician or other authorized prescriber during the entire period of probation. In such event, respondent shall serve notice to the Board in writing. Respondent shall advise any and all treating physicians of his history of drug abuse.

14. Respondent shall authorize the testing laboratory to forward his urine test results to the Board, and to immediately notify the Board in the event of a positive urine specimen.

15. During the probation period, the Board may require the appearance of respondent at a meeting for a status conference, at any time with reasonable prior notice to respondent.

  
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Edith Tortora Micale, R.P., President  
State Board of Pharmacy

I have read the above Order  
and I understand its terms.  
I agree to be bound by the  
terms Of the above Order.  
I consent to the entry of  
this Order by the State Board  
of Pharmacy

  
\_\_\_\_\_  
Jay Schafer, R.P., Respondent