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BOARD OF PHARMACY

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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 LICENSE OF

ADMINISTRATIVE ACTION

CHARLES FRANK CATHERS, R.P.

RI 21900

CONSENT ORDER

TO PRACTICE PHARMACY IN THE
STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Pharmacy upon the receipt of information that the respondent had ordered large quantities of Dexidrine, a Schedule II Controlled Dangerous Substance, Ritalin, a Schedule II Controlled Dangerous Substance, and Ionamin, a Schedule IV Controlled Dangerous Substance, when there were no indications that respondent was dispensing these quantities. Respondent contests the substance of the above allegation.

It appearing that respondent wishes to enter into this interim consent agreement in lieu of having to appear before the Board on this matter, and for good cause shown,

IT IS THEREFORE, ON THIS DAY OF 1994,

ORDERED AND AGREED:

1. Respondent shall have his urine monitored at his own expense on a random unannounced basis for six (6) months from the entry of this Order. Testing shall be performed one (1) time per week 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 same integrity and to provide documentation thereof. When notified to provide a sample for testing, the respondent shall have until midnight of the day following the day of notification to provide the sample. Respondent will be tested for Marijuana, Cocaine, Benzadiazepam, Barbiturates and Amphetamines, Opiates. Respondent will also be simultaneously tested for breath alcohol.

2. The result of all tests shall be reported directly from the laboratory to H. Lee Goldstein, Executive Director of the Board, or his successor or designee in the event he is unavailable. The Board may at any time alter or modify the manner, but not the duration (6 months) or the frequency (once per week), 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.

3. 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.

4. 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 seven (7) days of such failure to appear, shall be grounds for an administrative action for suspending respondent's license upon short notice.

5. Respondent hereby consents to the entry of an Order of automatic suspension of his license without prior notice upon the Board's receipt of a report of a confirmed positive urine for substances other than alcohol. In the event the Board enters an Order of automatic suspension, the Board shall notify the respondent and respondent's attorney immediately upon the entry of such Order. The Board shall not have the right to suspend the respondent on the basis of tests positive for alcohol. Further upon completion of six months of testing, the Board shall be required to dismiss this action as set forth in paragraph 7 despite any positive tests for alcohol.

6. 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 the urine tested was not his or was a false positive in which case respondent shall have the burden of proving either contention. Respondent may expand the time prior to the hearing if required to establish respondent's proofs.

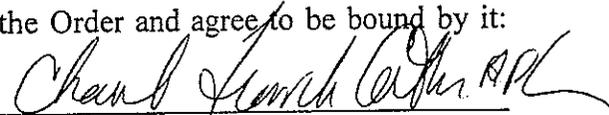
7. Upon submission of documentation substantiating respondent's satisfactory

completion of the requirements set forth in paragraphs 1-4, (i.e. no valid positive ~~tests~~ and no unexcused failures to appear), the within pending administrative action regarding respondents ordering large quantities of Dexidrine, Ritalin and Ionamin with no indication that respondent was dispensing these quantities to patients shall hereby be dismissed with prejudice.

NEW JERSEY STATE BOARD OF PHARMACY

By: 
Edith Tortora Micale, R.P., President

I have read the within Order and I understand each of the terms of the Order and agree to be bound by it:


Charles Frank Cathers, R.P.
Respondent

The above Order is agreed as to form and entry and I acknowledge that my client has read each of the individual terms of the within Order.


Anthony M. Pugliese, Esquire

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