PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

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FILED
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BOARD OF PHARMACY

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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 LICENSE OF: JOHN BRUCE RUGGERI TO PRACTICE PHARMACY IN THE STATE OF NEW JERSEY RI 179 12	Administrative Action INTERIM ORDER

This matter was opened to the New Jersey State Board of Pharmacy upon the receipt of correspondence dated October 9, 1996 from John Ruggeri requesting the reinstatement of his license to practice pharmacy. On November 17, 1994, respondent, by way of Consent Order, voluntarily surrendered his pharmacy license (November 17, 1994 Order attached hereto and made a part of this Order).

On December 13, 1995, respondent appeared before the Board and responded under oath to Board members' questions. At that proceeding, respondent denied ever suffering a substance abuse problem despite his admitted unlawful diversion of his employer's drug stock and concomitant abuse of a controlled dangerous

substance. The Board took no further action in the matter at that time.

By way of letter dated February 20, 1996, the Board requested respondent to submit to the Board a record of urine screens performed on an unannounced random basis, a psychological evaluation from a Board approved psychologist, any in-patient or out-patient records and any other relevant information:

On November 13, 1996 the Board considered the following written submissions forwarded by respondent:

1) Respondent's letter of October 9, 1996 requesting a hearing for the reinstatement of his license;

2) A psychiatric evaluation of respondent performed in September of 1996;

3) An August 5, 1996 report of a psychologist rendered after one evaluative visit with respondent in March, 1996;

4) A letter dated May of 1996 from a counselor at Kennedy Memorial Hospital indicating she was unable to provide an evaluation after one visit in April, 1996 with respondent.

5) An evaluation of respondent performed at Keystone Center dated November 1994;

6) Urine screens dated, 9/25/96, 9/18/96, 9/11/96, 11/10/94;

Each evaluation reported that respondent emphatically denied any history of substance abuse save the one indiscretion that caused him to surrender his pharmacy license and that respondent did not know why even then he had diverted and consumed a controlled dangerous substance.

The September 25, 1996 report provided the only in-depth psychological evaluation. That report concluded that due to respondents total lack of insight into his action, there exists question as to his ability to control such impulses in the future. The therapist made the following recommendations:

1) Respondent should receive weekly psychotherapy for three to six months; and, 2) respondent should be monitored by way of random drug screens to assure that respondent is not abusing any chemical substances.

To date, respondent has submitted 4 urine screen reports, over the span of nearly 2 years, none of which appear to be random and unannounced as requested by the Board on February 20, 1996. Moreover, given respondent's failure to receive any psychotherapeutic treatment and weekly random urine screens as recommended in evaluations performed in 1994 and again in 1996, the Board has determined that respondent's record should be supplemented with psychotherapy treatment records and random, unannounced urine screen results.

IT IS THEREFORE ON THIS 4th **DAY OF** January ~~1996~~, 1997

ORDERED:

1. Respondent shall have his urine monitored at his own expense on a random, unannounced basis for a six month period. Testing shall be performed one time per week for the entire six months. 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 chromatography/mass spectrometry (GC/MS). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation thereof.

2. The results of all tests shall be reported directly 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 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 written substantiation for his inability to appear, e.g. physician's report.

4. Respondent shall participate in psychotherapy on a weekly basis by a Board approved psychologist or psychiatrist, and shall cause the Board to receive monthly reports from his therapist as to his progress.

5. Six months from the date of entry of this Order, respondent may appear before the Board to request reinstatement of his license. At that time respondent shall demonstrate his compliance with the terms of this Order, i.e., that all urine

screens have been performed and are negative and further that he has caused to be submitted monthly reports of psychotherapy satisfactory to the Board and has acted upon any recommendations contained within these reports.

STATE BOARD OF PHARMACY

By: Sophie Heymann
Sophie Heymann, President