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BOARD OF PHARMACY

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:: Administrative Action
:
NICHOLAS SAIA :
:
:
FINAL DECISION AND ORDER
:
TO PRACTICE PHARMACY IN THE :
STATE OF NEW JERSEY :
:
RI 16042 :
:

This matter was opened to the New Jersey State Board of Pharmacy upon Nicholas Saia's application for license reinstatement, dated November 20, 1996. Pursuant to an Order of the Board dated August 26, 1994 respondent voluntarily surrendered his license after he was charged with theft with intent to distribute Schedule II Controlled Dangerous Substances. Respondent was sentenced to one year reporting probation.

Respondent appeared before the Board of Pharmacy on December 11, 1996 and testified as to his past chemical dependence and his present course of rehabilitation. In response to questioning by the Board and the Deputy Attorney General, respondent, in his sworn testimony, admitted to having been chemically dependent on Ativan and Fiorcet, Schedule IV and III Controlled Dangerous Substances. Respondent has successfully completed a rehabilitation program and has submitted to the Board documentation substantiating that treatment.

It appearing that respondent admits to unlawfully conspiring to commit theft of controlled dangerous substances from his employer's drug stock, and respondent having satisfied the Board that he intends to continue treatment, and it further appearing that the parties wish to resolve this matter without the necessity of further formal proceedings, and for good cause shown;

IT IS THEREFORE, ON THIS *XX* DAY OF *January*, 1998

ORDERED THAT:

1. Respondent's license to practice pharmacy in the State of New Jersey is hereby reinstated upon his successful completion of 160 hours in the practice of pharmacy as a technician under the direct supervision of a pharmacist currently registered with this Board. Respondent shall cause the supervising pharmacist to provide written notice to the Board upon respondent's successful completion of the 160 hours. *W. Lee Gladstein, Executive Director of the Board*

2. Upon reinstatement respondent shall immediately be placed on probation for three years subject to compliance with paragraphs 3 through 13.

3. Respondent shall provide written notice to the Board prior to commencing work as a pharmacist in the State of New Jersey. Thereafter, respondent shall comply with paragraphs 3 through 13 herein for the entire period of probation. If respondent violates any of the provisions of paragraphs 3 through 13 herein, the Board may initiate proceedings to revoke his probationary status and to actively suspend or revoke his license to practice pharmacy.

4. Respondent shall give written notice to the Board prior to beginning any job and prior to any change in employment throughout the probationary period.

5. Respondent shall have his urine monitored at his own expense on a random, unannounced basis for the entire 3 year period. Testing shall be performed once every two 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 conforming 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.

6. The result of all tests shall be reported directly from the laboratory 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 testing requirement of the respondent.

7. 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 officer. 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 her inability to appear, eg. physician's report.

8. 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 proceeding to revoke his probationary status and suspend his license upon short notice.

9. 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 from the party responsible for monitoring respondent's urine, or information from any out-patient program or counselor which reveals evidence of substance abuse during the probationary period.

10. Respondent shall not be a pharmacist-in-charge or a permit holder of any pharmacy in this State during the entire period of probation.

11. 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 is to serve notice to the Board in writing. Respondent shall advise any and all treating physicians his history of drug abuse.

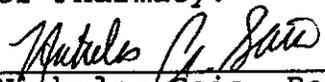
12. Respondent shall submit quarterly documentation that he attends support group meetings at least two times per week for the duration of the probationary period.

13. In connection with any job 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.

STATE BOARD OF PHARMACY

By: 
Sophie Heymann, President

I have read the within Order and understand it. I agree to be bound by its terms and hereby consent to it being entered by the New Jersey Board of Pharmacy.


Nicholas Saia, Respondent