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JUN 18 2002

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	:	Administrative Action
OR REVOCATION OF THE LICENSE OF	:	
	:	CONSENT ORDER
BARBARA ANN PESCIOTTA, R.P.	:	
	:	
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 between May 2000 and September 2000, Barbara Pesciotta had allegedly diverted controlled dangerous substances from Eckerd Drugs where she had been employed. On November 28, 2000 by way of a Consent Order, respondent voluntarily surrendered her license to practice pharmacy.

Respondent appeared before the Board of Pharmacy on February 27, 2002 and testified as to her past exercise of poor judgment and her present physical and emotional well-being. In response to questioning by the Board and the Deputy Attorney General, respondent, in her sworn testimony, admitted to having

removed controlled dangerous substances from Eckerd Drugs without a valid prescription in order to facilitate her husband's self-medication for back pain.

It appearing that respondent admits to improperly diverting controlled dangerous substances obtained from her employer's drug stock, and respondent having submitted to the Board a thorough in-depth psychological evaluation which recommends reinstatement subject to specific safeguards, and it further appearing that the parties wish to resolve this matter without the necessity of further formal proceedings, and for good cause shown;

ACCORDINGLY, IT IS ON THIS 18th DAY OF *June*, 2002,
ORDERED THAT:

1. The license of Barbara Pesciotta, R.P. to practice pharmacy in the State of New Jersey is hereby reinstated and contemporaneously placed on a probationary status.

2. Respondent shall be on probation for six (6) months subject to compliance with paragraphs 3 through 14 herein. If respondent violates any of the provisions of paragraphs 3 through 14 herein, the Board may initiate proceedings to revoke her probationary status and to actively suspend or revoke her license to practice pharmacy.

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

4. Respondent shall have her urine monitored at her own expense on a random, unannounced basis for the entire six (6) month period. Testing shall be performed at least twice per month 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.

5. Respondent hereby consents to the entry of an Order of Automatic Suspension of her 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 counselor which reveals evidence of substance abuse during the probationary period.

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 urine tested was not hers or was a false positive, in the case of urine testing, or that other information submitted was false.

7. The result of all tests shall be reported directly to the Executive Director of the board or her successor, or her designee in the event she is unavailable. The Board may at any time alter or modify the manner of the testing directed. In the event of

any such alteration or modification the Board shall give timely notice of any new 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 enter into counseling with a Board approved psychologist or psychiatrist for the purpose of achieving more effective judgment and problem solving skills at least one time per week for the duration of the probationary period. Monthly reports of her progress must be submitted directly to the Board.

11. Respondent shall give written notice to the Board prior to beginning any job and prior to any change in employment.

12. Respondent shall complete a refresher course in the practice responsibilities of the pharmacist, and shall ensure the submission of documentation to the Board of that completion.

13. In connection with any job in which respondent has access to controlled dangerous substances, respondent shall practice under the direct supervision of a pharmacist, and shall serve a copy of the within Order on her employer and supervising pharmacist prior to commencing work. Respondent shall cause the Board to receive a letter acknowledging the employer's and the supervising pharmacist's receipt of the notice required by this paragraph, and shall ensure the submission of weekly reports from the supervising pharmacist regarding respondent's competency in the practice of pharmacy and the results of all opening and closing drug inventories performed for the hours worked by respondent.

14. At any time during the probation period, the Board may require the appearance of respondent before the Board of a meeting for a status conference.

NEW JERSEY STATE BOARD OF PHARMACY

By: Edward G. McGinley, R.Ph.
~~Anthony Alexander, R.P.~~ President
EDWARD G. MCGINLEY R.Ph, TREASURER

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

Barbara A. Pesciotta
Barbara Pesciotta, R.P., Respondent