

PETER C. HARVEY
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law - 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101

CERTIFIED TRUE COPY

FILED

SEP 04 2003

By: Marianne W. Greenwald
Deputy Attorney General
Tel. No. (973)648-4876

BOARD OF PHARMACY

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
SUSAN P. COLUCCI, R.P.	:	
	:	
TO PRACTICE PHARMACY IN THE	:	
STATE OF NEW JERSEY	:	

This matter was originally opened to the New Jersey State Board of Pharmacy by John J. Farmer, former Attorney General of New Jersey, Marianne W. Greenwald, Deputy Attorney General appearing. Respondent entered into a consent order with the Board of Pharmacy on September 11, 2002 whereby she agreed to the voluntary surrender of her pharmacy license pending further Order of the Board upon respondent's application for relicensure.

In connection with an application for reinstatement respondent appeared before the full Board and testified as to her past treatment for substance abuse and her present efforts to maintain her sobriety. It appearing that respondent has completed

a treatment program, continues to attend support group meetings, is under the care of a therapist and continues to have negative drug and alcohol screens, and respondent having satisfied the Board of her intention to continue in her 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 3RD day of *September*, 2003,

ORDERED AND AGREED,

1. Respondent shall submit documentation of her successful completion of 30 continuing education credits. Thereafter, the license to practice pharmacy of Susan Colucci shall be reinstated and placed on a probationary status for two (2) years subject to compliance with paragraphs 2 through 10 herein. If respondent violates any of the provisions of paragraphs 2 through 9 herein, the Board may initiate proceedings to revoke her license to practice pharmacy.

2. (a) Susan Colucci shall submit to random urine monitoring two (2) times per week at a laboratory facility approved by the Board for the duration of the probation. The urine monitoring shall be conducted with direct witnessing of the taking of the samples as designed by the laboratory facility. The initial drug screen shall utilize appropriate screening techniques and all confirming tests and/or secondary tests will be performed by

gas/chromatography/mass spectrometry (G.C./M.S.). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation in the event of a legal challenge.

(b) All test results shall be provided to Deborah Whipple, Executive Director of the Board, or her designee in the event she is unavailable. The Board also will retain sole discretion to modify the manner of testing in the event technical developments or individual requirements indicate that a different methodology or approach is required in order to guarantee the accuracy and reliability of the testing.

(c) Any failure by respondent to submit or provide a urine sample within twenty-four (24) hours of a request will be deemed to be equivalent to a confirmed positive urine test. In the event respondent is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from Deborah Whipple, or her designee. Personnel at the lab facility shall not be authorized to waive a urine test. In addition, respondent must provide the Board with written substantiation of her inability to appear for a test within two (2) days, e.g., a physician's report attesting that she was so ill that she was unable to provide the urine sample or appear for the test. "Impossibility" as employed in this provision shall mean an obstacle beyond the control of

respondent that is so insurmountable or that makes appearance for the test or provision of the urine sample so infeasible that a reasonable person would not withhold consent to waive the test on that day.

(d) In the event respondent will be out of the State for any reason, the Board shall be so advised so that arrangements may be made at the Board's discretion for alternate testing. The Board may, in its sole discretion, modify the frequency of testing or method of testing during the monitoring period.

(e) Any urine test result showing creatinine levels below 20 mg/dL and a specific gravity below 1.009 shall be deemed a confirmed positive urine test.

(f) Respondent shall familiarize herself with all foods, food additives or other products (such as poppy^f seeds) which may affect the validity of urine screens, be presumed to possess that knowledge, and shall refrain from the use of such substances. Ingestion of such substances shall not be an acceptable reason for a positive urine screen and/or failure to comply with the urine monitoring program.

3. Respondent shall continue her participation with the Physicians' Health Program ("PHP") and shall have monthly face to face contact with representatives from that program. Respondent shall comply with after care as directed by the PHP and shall comply with any recommended therapeutic regime for treatment or

counseling. Respondent shall be responsible for ensuring that any treating psychiatrist/psychologist and any other person(s) providing therapy for her substance abuse provide the board with quarterly reports regarding her progress in counseling.

4. Respondent shall attend support groups, including NA or AA not less than three (3) times per week. Respondent shall provide evidence of attendance at such groups directly to the Board. If respondent has discontinued attendance at any of the support groups without obtaining approval of the Board, she shall be deemed in violation of this Order.

5. Respondent shall abstain from the use of alcohol and controlled dangerous substances and shall not possess any controlled dangerous substances except pursuant to a bona fide prescription written by a physician or dentist for good medical or dental cause in her own treatment. In addition, respondent shall advise any and all treating physicians and/or dentists of her history of substance abuse. Respondent shall cause any physician or dentist who prescribes medication for her which is a controlled dangerous substance to provide a written report to the Board together with patient records indicating the need for such medication. Such report shall be provided to the Board no later than two (2) days subsequent to the prescription in order to avoid confusion which may be caused by a confirmed positive urine test as a result of such medication.

6. Respondent shall provide any and all releases to any and all parties who are participating in the monitoring, treating or other program as outlined in this order, as may be required in order that all reports, records, and other pertinent information may be provided to, and utilized by the Board in a timely manner.

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

8. For the first year of probation, respondent shall at all times practice pharmacy under the immediate personal supervision of a licensed pharmacist.

9. Respondent shall give written notice to the Board and to her employer prior to beginning or changing any employment.

10.(a) Respondent shall be subject to an order of automatic suspension of her license upon the Board's receipt of any information which the Board, in its sole discretion, deems reliable demonstrating that respondent has failed to comply with any of the conditions set forth in this consent order, including but not limited to report of a confirmed positive urine, or a prima facie showing of a relapse or recurrence of alcohol or drug abuse.

(b) Respondent shall have a right to apply for removal of the automatic suspension on ten (10) days notice to the Board and to the Attorney General. The Board may hold a hearing on that application before the full Board or before a committee of the Board. In the event a committee hears the application, its action

shall be subject to ratification of the full Board at its next scheduled meeting. In a hearing seeking removal of the automatic suspension, any confirmed positive urine shall be presumed valid.

11. No earlier than one (1) year from the entry of this Order respondent may appear before the Board to request a modification regarding urine screens and/or supervision.

NEW JERSEY STATE BOARD OF PHARMACY

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

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.

Susan P. Colucci
Susan P. Colucci, R.P.

Consented to as to form and entry.

Gerald Hanlon
Gerald Hanlon, Esq.
Attorney for Susan P. Colucci, R.P.