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**FILED**

FEB 25 2004

**BOARD OF PHARMACY**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF PHARMACY

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IN THE MATTER OF THE SUSPENSION  
OR REVOCATION OF THE LICENSE OF

**HOWARD WERTHEIM, R.P.**

TO PRACTICE PHARMACY IN THE  
STATE OF NEW JERSEY

and the Permit of

**PANTHER VALLEY PHARMACY**

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: Administrative Action  
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: **ORDER FOR SURRENDER**  
: **OF LICENSE**  
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This matter was opened to the New Jersey State Board of Pharmacy upon receipt of information that respondent has been arrested by the Warren County Police Department on November 24, 2003 and charged with knowingly possessing Lorazepam, a Schedule IV Controlled Dangerous Substance in violation of N.J.S.A. 2C:35-10a(1), possession of Lorazepam with intent to distribute, in violation of N.J.S.A. 2C:35-5b(13), and knowingly distributing Lorazepam in violation of N.J.S.A. 2C:35-5b(3), and knowingly

distributing a prescription legend drug not pursuant to a valid prescription, to wit: Naproxemp, in violation of N.J.S.A. 2C:35-10.5. At the time of arrest, respondent had small amounts of controlled dangerous drugs in his possession for his own use diverted from Panther Valley's active drug stock, to wit: Percocet, Nicodin, and Aderal

Respondent is currently restrained by Court Order dated November 24, 2003 from being within 500 feet of the Panther Valley Pharmacy, Route 517 Village Square Mall, Allamuchy, New Jersey, which he owns.

It appearing that in lieu of a proceeding to suspend respondent's license to practice pharmacy and his permit to operate a pharmacy pursuant to N.J.S.A. 45:1-22, respondent, without admitting to any of the allegations, has agreed to surrender his original certificate and license renewal pending further order of the board, and

**IT IS THEREFORE** on this 25<sup>th</sup> day of February, 2003,<sup>4</sup>

**ORDERED and AGREED:** pending further order of the Board, that the license of Howard Wertheim, R.P., to practice pharmacy in the State of New Jersey, is hereby suspended, and it is further

**ORDERED AND AGREED,** pending further order of the Board, respondent shall cease and desist from engaging in the practice of pharmacy including the following: respondent shall not handle, order, inventory, compound, count, fill, refill or dispense any

drug; he shall not handle anything requiring a prescription including devices and medications; he shall not handle prescriptions; he shall not advise or consult with patients; and he is prohibited from being present within the prescription filling area of a pharmacy; and it is further

**ORDERED AND AGREED**, pending further order of the Board, respondent shall by execution of the within Order surrender his original wall certificate, his wallet certificate, and his most recent renewal card of his license to an authorized representative of the Board; and it is further

**ORDERED AND AGREED**, upon application for reinstatement, which shall not be made to the Board prior to January 14, 2005, respondent shall submit documentation satisfactory to the Board inclusive of, but not limited to, weekly, random, witnessed urine screens, complete treatment records of all diagnostic and rehabilitative therapy and an in-depth, current evaluation from a Board approved psychiatrist or psychologist.

**ORDERED AND AGREED**, respondent shall immediately refrain from entering the premises of Panther Valley Pharmacy, nor acquire any additional ownership interest in that pharmacy pending further Order of the Board.

**ORDERED AND AGREED**, that respondent shall immediately refrain from engaging in any operation of Panther Valley Pharmacy including but not limited to, advertising and/or marketing,

purchasing, managing, or conducting any business with insurers or third party payors on behalf of the pharmacy, on or off the permitted premises.

The Board reserves the right to take any further action authorized by law.

NEW JERSEY STATE BOARD OF PHARMACY

By: Edward G. McGinley R.P.  
Edward G. McGinley, R.P., President

I have read the above Order and understand its terms. I consent to the entry of this Order by the State Board of Pharmacy.

Howard Wertheim  
Howard Wertheim, Respondent  
Individually and as 25% owner  
of Panther Valley Pharmacy,  
Respondent