

ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY
Division of Law - 5th Floor
124 Halsey Street
PO Box 45029
Newark, New Jersey 07101

By: Jodi C. Krugman
Deputy Attorney General
Tel: (973) 648-2975

FILED

AUG 18 2009

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

MARK J. PYATAK, R.P.
Lic. No. 28RI01538100

TO PRACTICE PHARMACY IN THE
STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Pharmacy (the "Board") upon receipt of information that respondent Mark J. Pyatak ("respondent") was arrested and charged with third degree possession of CDS with intent to distribute. The Accusation charges that on or between June 10, 2006 and March 21, 2007, respondent possessed oxycodone with intent to distribute, in violation of N.J.S.A. 2C:35-5b(5). Respondent pled guilty to this charge on June 24, 2008, and on September 5, 2008, a Judgment of Conviction was entered including a sentence of one year of probation and revocation of respondent's pharmacy license, which the conviction notes as "already turned in."

Respondent, through his counsel, Angelo Cifaldi, Esq., has advised that Board that he has enrolled in the Professionals' Assistance Program of New Jersey ("PAP"), and is also

being treated by a therapist for gambling and substance addictions. He asserts that he has not been working as a pharmacist since his arrest in October 2007. Indeed, he explained to the Board that local police took possession of respondent's wallet-sized license at the time of his arrest. He also believes that other police may have obtained the wall certificate, which had been located with respondent's last employer, Pathmark, but he has been unable to verify the location of the wall certificate.

The Board has reviewed all of the information presented, including the Accusation, Judgment of Conviction and the various letters submitted by counsel on respondent's behalf. The Board finding the within disposition adequately protective of the public health, safety and welfare, and other good cause having been shown, and respondent desiring to resolve this matter without formal proceedings and having waived his right to those proceedings,

IT IS, therefore on this 18th day of August, 2009

ORDERED THAT

1. Respondent's license to practice pharmacy in the State of New Jersey is hereby revoked effective October 18, 2007. Respondent may not make application for reinstatement of his license until the later of September 5, 2009 or the completion of his term of probation. In addition, respondent must demonstrate a minimum of six (6) months of sobriety prior to making any application.

2. Respondent shall immediately cease and desist from engaging in the practice of pharmacy, which includes, but is not limited to 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 a prescription filling area of a pharmacy.

3. In the event respondent obtains his wall certificate or wallet certificate, he shall surrender them, and his most recent renewal card of his license, to the Executive Director of the Board immediately upon receipt of any of the documents by mailing same to Joanne Boyer, Executive Director, Board of Pharmacy, P. O. Box 45013, Newark, New Jersey 07101.

4. Upon application for reinstatement, respondent shall:

- a. Appear before the Board or a committee thereof to discuss his readiness to reenter the practice of pharmacy. At that time Respondent shall be prepared to propose his plans for future practice in New Jersey.
- b. Provide the Board with evidence that he is capable of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare and that he is not then suffering from any impairment or limitation resulting from the use of any addictive substance which could affect his practice.
- c. Submit documentation satisfactory to the Board of weekly, random, witnessed urine screens for a minimum of six (6) months;
- d. Provide the Board with complete treatment records of all diagnostic and rehabilitative therapy, discharge summaries from the PAP and any in-patient programs, as well as reports from each and every mental health professional (including but not limited to: psychologists, counselors, therapists, psychiatrists) who have participated in Respondent's care and/or treatment during the period of time from the date the within Order is filed to his appearance before the Board.
- e. Submit to the Board an in-depth, current evaluation from a Board-approved psychiatrist or psychologist that addresses, among other things, respondent's current status and his ability to practice as a licensed pharmacist.
- f. Provide the Board with proof of the resolution of any criminal charges filed against him and compliance with any terms imposed by the criminal authorities related to this matter.

- g. Provide the Board with a full account of his conduct during the intervening period of time from the entry of this Order to his appearance pursuant to this Order.

NEW JERSEY STATE BOARD OF PHARMACY

By: Thomas H. Bender, Jr., R.P.
~~Edward G. McGinley, R.Ph.~~
Board President
Thomas Bender
Vice President

I have read the above Order and understand and agree to its terms. Consent is given to the Board for the entry of this Order.

Mark J. Pyatak 6-15-09
Mark J. Pyatak, R.P.

Consent is given as to form and entry of this Order:

Angelo J. Cifaldi
Angelo J. Cifaldi, Esq.
Attorney for Mark J. Pyatak, R.P.