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ATTORNEY GENERAL OF NEW JERSEY  
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**FILED**

MAR 03 2010

BOARD OF PHARMACY

By: Megan Cordoma  
Deputy Attorney General  
(973) 648-3453

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

IN THE MATTER OF THE :  
SUSPENSION OR REVOCATION OF :  
THE LICENSE OF :  
:  
Renee Simone, R.P. a/k/a :  
Renee Crivello :  
Lic.No. 28RI02750700 :  
:  
TO PRACTICE PHARMACY IN THE :  
STATE OF NEW JERSEY :

Administrative Action

CONSENT ORDER

This matter was initially opened to the New Jersey State Board of Pharmacy (Board) upon receipt of information alleging that in April 2008, while employed at Bald Eagle Pharmacy, West Milford, New Jersey, Renee Simone, R.P., a/k/a Renee Crivello, R.P. (Respondent) diverted Controlled Dangerous Substances for her own use, from the pharmacy's active stock. Although Respondent told her employer that she took only one (1) Vicodin tablet, Respondent admitted to the Board at an investigative inquiry, that in April 2008, she had actually taken

three (3) Vicodin tablets from the stock of her employer. On September 30, 2008, the Board issued a warning letter to Respondent stating that subsequent behavior of this nature (diversion of CDS) could result in Board action and that if Respondent was considering assuming the role of pharmacist-in-charge at any time in the future, she was to read and become familiar with N.J.A.C. 13:39, Subchapter 6, the regulations governing pharmacist-in-charge and pharmacy personnel.

In March 2009, the Board received information alleging that on or about January 31, 2009, while interviewing for employment at the ShopRite Pharmacy Department, Rochelle Park, New Jersey, Respondent stole a total of 178 tablets of Zolpidem Tartrate (Ambien) from the pharmacy's stock on two separate occasions documented on security cameras. One Hundred tablets were recovered. Respondent was arrested on March 17, 2009 by the Rochelle Park Police Department on one count of violating N.J.S.A. 2C:20-3, theft.

On October 14, 2009, Respondent appeared with counsel Frank Capece, Esq., at an investigative inquiry before the Board. Respondent testified she had been interviewed for a job with ShopRite, including being present in both the office and the pharmacy filling area of the ShopRite in Rochelle Park, New Jersey. Respondent repeatedly claimed she had been in the pharmacy filling area only once. When advised that ShopRite's security cameras captured videos of her in the pharmacy filling area on two separate occasions, Respondent admitted that perhaps

she had been in that area two, or even three times during her interview process.

Respondent also admitted to having taken one sealed bottle of Zolpidem at the time of her interview at ShopRite in Rochelle Park and stated that upon being called by the security department and told that they knew of the theft, she returned the entire bottle of CDS, unopened. In resolution of the criminal charge resulting from the incident at ShopRite, Rochelle Park, Respondent entered into Pretrial Intervention (PTI).

Respondent has been under the care of a psychiatrist who has been treating Respondent for approximately nine months. While under the care of a prior physician, Respondent was prescribed Ambien but she stated that she stopped taking Ambien because she realized she "had a problem with it." Respondent now takes other medications prescribed for her treatment.

Respondent is also under the care of a licensed social worker/therapist. Pursuant to the therapist's recommendation and Respondent's acknowledged dependency on Ambien, Respondent attends between two and three NA meetings a week.

The Board finds that the above repeated incidents of theft of CDS for her own use provide grounds to take disciplinary action against Respondent's license to practice pharmacy in New Jersey pursuant to N.J.S.A. 45:1-21(b), (e), (f) and (i) in that Respondent has engaged in the use of dishonesty, misrepresentation and deception; has engaged in professional misconduct; has engaged in acts constituting a crime or offense

relating adversely to the activity regulated by the Board; and is incapable, for medical or any other good cause, of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare.

Respondent, being desirous of resolving this matter without the necessity of further formal proceedings, and having waived any right to same, and the Board having determined that this Order is sufficiently protective of the public health, safety and welfare, and all parties agreeing to the terms of this Order;

IT IS, therefore, on this 3<sup>RD</sup> day of MARCH, 2009<sup>10</sup>

ORDERED THAT:

1. Respondent's license is hereby suspended for a minimum period of one year effective upon entry of this Order.

2. Respondent shall immediately surrender her original wall certificate and wallet certificate and all renewal cards of her license to Joanne Boyer, Executive Director, Board of Pharmacy, P.O. Box 45013, 124 Halsey Street, Newark, New Jersey 07101.

3. Respondent shall enroll in and participate fully in the Professional Assistance Program (PAP) and remain enrolled until such time as the PAP releases her.

4. Respondent shall provide the Board with the PAP recommendations as established for her within 30 days of the date this Order is filed.

5. Respondent shall comply fully with the monitoring program established for her by the PAP. Such monitoring program

shall include but not be limited to:

- a. Absolute abstinence from all psychoactive substances including alcohol unless prescribed by a treating health care professional for a documented medical condition and with notification from the treating health care professional to the executive medical director of the PAP of the diagnosis and treatment regime within five days of issuing the prescription. Respondent shall advise all of her treating health care practitioners, who prescribe medications, of her addiction history and shall be responsible to ensure that the treating health care professional notifies the PAP of any prescription for a psychoactive substance within five days of issuance of the prescription. Respondent shall also personally notify the PAP of any prescription for psychoactive substance within five days of issuance of the prescription.
- b. Successful completion of an approved treatment program under the supervision of the PAP, including but not limited to enrollment in an inpatient treatment facility if deemed necessary by the PAP.
- c. Respondent shall attend support group meetings of Alcoholics Anonymous/Narcotics Anonymous (AA/NA) at a frequency to be determined by the Executive Director of the PAP. Respondent shall provide evidence of attendance at such groups directly to the PAP on a form or in a manner as required by the PAP.
- d. Respondent shall undergo random urine monitoring under the supervision of the PAP on an unannounced basis, at a frequency to be determined by the PAP, but no less than 2 times per week. All test results shall be provided in the first instance directly to the PAP and any positive result shall be reported immediately by the PAP to the Executive Director of the Board. Any failure by Respondent to submit or provide a urine sample within twenty-four (24) hours of a request will be deemed to be an act of non-compliance with the terms of this Order absent an excuse satisfactory to the PAP.
- e. The Board reserves the right to require a modification

of the manner of the random witnessed urine testing by the PAP in the event technical developments or individual requirements indicate that a different methodology or approach is required to guarantee the accuracy and reliability of the testing.

- f. Respondent's failure to submit to or provide a urine sample within twenty-four hours of a request shall be deemed to be the equivalent of a confirmed positive urine test and shall be deemed a violation of this Order unless Respondent is unable to appear for a scheduled urine test due to illness or other impossibility. Respondent must advise the Board in writing within two (2) days, and cause the PAP to so advise the Board in writing within (2) days, of a claimed illness or impossibility. If Respondent fails to appear for a scheduled urine test due to illness, Respondent shall provide to the Board, written substantiation of the illness in the form of a physician's report, within two (2) days. "Impossibility" means an obstacle beyond the control of Respondent that is insurmountable or that makes his appearance for the urine test so infeasible that a reasonable person would waive Respondent's requirement to give the urine sample that day.
- g. All random witnessed alcohol and drug screens shall be negative for the presence of alcohol or drugs, unless the drugs detected by screening were taken for a documented illness pursuant to a valid prescription from a health care practitioner aware of Respondent's substance abuse history. All positive results shall be confirmed by the Gas Chromatography Mass Spectrometry (GC/MS) testing method. Chain of custody documentation must accompany all laboratory reports and/or the laboratory reports must indicate that chain of custody procedures have been followed.
- h. Any urine test result showing creatinine levels below 20 mg/dl and a specific gravity below 1.003 shall create a rebuttable presumption of a confirmed positive urine test, and shall be followed by a confirming test. The method of the confirming test shall be determined by the PAP.

- i. Respondent shall become familiar with all foods, food additives or other products (such as poppy seeds) which may affect the validity of urine screens, be presumed to possess that knowledge, and shall refrain from the use of such substances. Respondent specifically agrees that 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.
- j. Respondent shall submit to continued monitoring by the PAP and shall meet with the PAP on a face-to-face basis at least once a month. Respondent agrees that the PAP shall advise the Board immediately in the event it receives information or evidence of noncompliant behavior and/or further relapse.
- k. Respondent shall be responsible to ensure that the PAP shall supply reports every ninety (90) days beginning on the "filed" date of this Order to the Board regarding her progress with the monitoring program.
- l. Respondent shall obtain the agreement of the PAP via a signature of its representative on this Order to notify the Board within 24 hours of its receipt of information of any noncompliant behavior, slip or relapse of impairment, including but not limited to any positive urine screen or failure to appear for urine monitoring or any scheduled appointment or any discontinuance of the PAP rehabilitation program whether initiated by Respondent or by the PAP.
- m. Respondent expressly waives any claim to privilege or confidentiality that she may have concerning reports and disclosures to the Board, and use by the Board of that information in any license proceedings, including reports and disclosures by the urine monitoring program, or the PAP, or any other person or entity involved in her rehabilitation program.
- n. All costs associated with the monitoring outlined above shall be the responsibility of, and paid directly by, Respondent.

6. Should Respondent seek licensure in a State other than New Jersey, Respondent authorizes the PAP to inform the licensing Board of that State of the current status of her recovery and her compliance with this Order.

7. Prior to the Board considering any restoration of her license, Respondent shall:

- a. Appear before the Board to discuss her readiness to reenter the practice of pharmacy. At that time Respondent shall be prepared to propose her plans for future practice in New Jersey.
- b. Provide the Board with evidence that she is capable of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare and that she is not then suffering from any impairment or limitation resulting from the use of any addictive substance which could affect her practice.
- c. Provide the Board with discharge summaries from any in-patient programs and 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 for the disability in this matter during the period of time from the date the within Order is filed to her appearance before the Board.
- d. Provide the Board with a report from the PAP detailing the nature and extent of her involvement with that entity.
- e. Affirmatively establish her fitness, competence and capacity to re-enter the active practice of pharmacy within New Jersey.
- f. Provide the Board with a full account of her conduct during the intervening period of time from the entry of this Order to her appearance pursuant to this Order.

8. This Order is effective upon its filing date with the Board of Pharmacy.

NEW JERSEY STATE BOARD OF PHARMACY

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

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

Renee Simone RPH  
Renee Simone, R.P.

Consent as to form and entry

[Signature]  
Frank G. Capece, Esq.  
Attorney for Renee Simone, R.P.

I agree to the monitoring and reporting requirements specified above on behalf of the Physicians Assistance Program of New Jersey

Louis E. Baxter, Sr., M.D., FASAM  
Medical Director  
Professional Assistance Program