

**FILED**

**MAR 25 2010**

**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	:	
	:	
<b>Kenneth Grossett, II, R.P.</b>	:	<b>ORDER OF REINSTATEMENT</b>
License No.: 28RI01926900	:	<b>OF LICENSE</b>
	:	
TO PRACTICE PHARMACY IN THE	:	
STATE OF NEW JERSEY	:	
_____	:	

This matter was opened to the New Jersey State Board of Pharmacy ("hereinafter the Board") upon receipt of Kenneth Grossett's ("hereinafter Respondent") application for reinstatement of his license to practice pharmacy in this State. Respondent voluntarily surrendered his New Jersey license by way of a Consent Order filed with the Board on September 5, 2007 based upon his diversion of Hydrocodone and Celebrex from his employer's active drug stock; obtaining the Hydrocodone without a valid prescription;

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and defrauding his insurance company by forging and filling three Hydrocodone prescriptions. Respondent testified before the Board on May 27, 2009 in support of his application for reinstatement of his license. Respondent testified that he participated in random urine screenings over a six month period as a condition of PTI. Respondent further testified that none of the urine screening results were positive. Respondent provided the Board with evidence that he completed the Pretrial Intervention Program on March 28, 2008 and paid full restitution to CVS Pharmacy for the cost of the items removed without authorization or valid prescription. Respondent also provided an evaluation report authored by psychologist Dr. Carol Tavani, who notes that "the presence of severe pain...a depressive state, coupled with the medical instability [undiagnosed diabetes], were all contributory factors in the decline of his judgment" which led to his theft of CDS. Dr. Tavani did not diagnose Respondent with drug related impairment or abuse. Dr. Tavani opines that Respondent is able to resume the practice of pharmacy as long as he is treated for his medical conditions and participates in monitoring by the Professional Assistance Program.

Respondent, being desirous of resolving this matter without the necessity of further formal proceedings, and agreeing to waive 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;

ACCORDINGLY, IT IS on this 19<sup>th</sup> day of MARCH, 2010  
ORDERED THAT:

1. Respondent's license shall be reinstated following his provision to the Executive Director of the Board of the following documents which shall all be to the satisfaction of the Board:

a. Proof of successful completion of all application requirements including a Criminal History Background Check and payment of all reinstatement fees.

2. Respondent shall enroll in the Professional Assistance Program of New Jersey and comply fully with the monitoring program established for him 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 his treating health care practitioners, who prescribe medications, of his 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 a psychoactive substance within five days of issuance of the prescription.

b. Respondent shall undergo random witnessed urine monitoring under the supervision of the PAP on an unannounced basis, at a frequency to be determined by the Board. 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 PAP.

- c. 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.
- d. 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.
- e. 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.
- f. 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.

- g. 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.
- h. Respondent shall submit to continued monitoring by the PAP, shall meet with the PAP on a face-to-face basis at least once a month following Respondent's return to practice, and shall maintain absolute abstinence from any substances not specifically prescribed by his treating physicians.
- i. Respondent shall continue to obtain regular medical care for all of his diagnosed illnesses, including glucose monitoring and other treatment. Respondent shall comply with all recommendations of the treating providers and attend all scheduled appointments with his primary physician and mental health providers. Respondent shall ensure that his treating providers submit written progress reports to the PAP on a regular basis to be determined by the PAP.
- j. Respondent shall be responsible to ensure that the PAP supplies reports every ninety (90) days beginning on the "filed" date of this Order to the Board regarding his progress with the monitoring program.
- k. 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, or failure to appear for any scheduled appointment or any discontinuance of the PAP rehabilitation program whether initiated by Respondent or by the PAP.
- l. Respondent expressly waives any claim to privilege or confidentiality that he 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 any medical, mental health or other treatment professionals or programs or the urine monitoring program, or the PAP, or any other person or entity involved in his rehabilitation program.

m. All costs associated with the monitoring outlined above shall be the responsibility of, and paid directly by, Respondent.

3. A copy of this Order shall be provided to all employers where a pharmacy license is required for employment or where the respondent has access to medication, prescriptions or patient profiles. The respondent shall ensure that each employer notifies the Board in writing that he or she has received this Order prior to respondent beginning employment. The respondent shall inform the Board in writing of any employment changes, including periods of unemployment, and shall also provide a detailed description of his job, role and responsibilities.

4. Respondent shall not act as a preceptor or a pharmacist-in-charge (RPIC) at any pharmacy and shall not own or have an ownership interest in any pharmacy.

5. Respondent hereby consents to the entry of an Order of automatic suspension of license without notice, upon the Board's receipt of any information which the Board in its sole discretion deems reliable that Respondent has failed to comply with any of the conditions set forth above, has engaged in acts of theft or diversion of medication, or violates any other provision of this Order.

6. The terms of this Order shall be in effect for a minimum of 3 years or until further Order of the Board.

NEW JERSEY STATE BOARD OF PHARMACY

By: Edward H. McGinley R.P.  
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.

Kenneth Grossett  
Kenneth Grossett, R.P.

I have read the within Order and agree on behalf of the Professional Assistance Program to the monitoring and reporting requirements above:

L. E. Baxter, Sr. 3/10/10  
Louis E. Baxter, Sr., M.D., FASAM  
Medical Director  
Physicians Assistance Program