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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 :
OR REVOCATION OF THE LICENSE OF :

Administrative Action

LUCILLE M. LEONE-WALKER, R.P. :

CONSENT ORDER

License No.: 28RI02374100

TO PRACTICE PHARMACY IN THE
STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Pharmacy (the "Board") upon receipt of information that on May 28, 2009 respondent Lucille Mary Leone-Walker ("Respondent") was convicted, based on a guilty plea, in the Court of Common Pleas, Wayne County, Ohio, of Deception to Obtain a Dangerous Drug, a third-degree felony, in violation of R.C. 2925.22. Respondent was sentenced to two (2) years community control, and the judgment also required her to report to probation, obtain drug/alcohol counseling and undergo periodic random drug/alcohol testing at the direction of the Adult Probation Department, and perform 200 hours of community service work.

By Order dated September 23, 2009 (the "Ohio Order"), the Ohio State Board of Pharmacy indefinitely suspended respondent's license to practice pharmacy in Ohio. The Ohio Board determined that respondent could not seek reinstatement of her Ohio license for at least two years (not until approximately September 2011) and placed certain conditions on any application for reinstatement. Among those conditions were the requirement that respondent sign, within 30 days of entry of the Ohio Order, a contract with an acceptable drug and alcohol treatment provider for a period of at least five years, such contract to include: random, observed monthly urine screens; attendance three times per week at Alcoholics Anonymous, Narcotics Anonymous or similar support group meeting; and immediate reporting of any violations of the contract or lack of cooperation. Respondent would also be required to prove compliance with the terms of that contract and provide satisfactory proof to the Board that she is no longer addicted to or abusing alcohol or drugs, and is fit to practice pharmacy.

Respondent was granted an early release from community control sanctions on or about February 4, 2010. The order granting the release noted that she had completed 200 hours of community service, counseling as required by the court, probation fees and costs were paid in full, and that she "is in the process of relocating to New Jersey."

Respondent advised the Board by letter that she had complied with all of the requirements of the Ohio Order until she moved back to New Jersey in December 2009, as her relocation made compliance impossible. Respondent subsequently provided the Board with evidence that she enrolled in the Professional Assistance Program of New Jersey (PAPNJ) on May 13, 2010. She has advised the Board that she intends to voluntarily surrender her Ohio license because she does not intend to return to Ohio to live; she has chosen to return to New Jersey to live near her family and

friends, and would like to return to the practice of pharmacy in New Jersey at some point in the future.

The Board has reviewed all of the information presented, including the documents relating to criminal charges against respondent, the documents from the Ohio Board and the PAPNJ, and the letters and other correspondence from respondent. 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 her right to those proceedings,

ACCORDINGLY, IT IS on this 8th day of SEPT, 2010

ORDERED and AGREED that:

1. Respondent's license to practice pharmacy in the State of New Jersey be and hereby is suspended for a minimum of two years, beginning May 13, 2010, all of which is to be served as a period of active suspension.
2. Respondent shall provide the Board with proof of the surrender of her Ohio license. If such proof is not provided, respondent may not seek to reinstate her license in New Jersey until her Ohio license is actively reinstated with no restrictions or conditions.
3. 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; she shall not handle anything requiring a prescription, including devices and medications; she shall not handle prescriptions; she shall not advise or consult with patients, and she is prohibited from being present within a prescription filling area of a pharmacy.

4 Respondent shall surrender her original wall certificate, her wallet certificate, and her most recent renewal card of her license to the Executive Director of the Board immediately upon the entry of this Order by mailing same to Joanne Boyer, Executive Director, Board of Pharmacy, 124 Halsey Street, P. O. Box 45013, Newark, New Jersey 07101.

5. Respondent will comply fully with the monitoring program established for her by PAPNJ. 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 PAPNJ 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 PAPNJ of any prescription for a psychoactive substance within five days of issuance of the prescription. Respondent shall also personally notify the PAPNJ 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 PAPNJ, including but not limited to enrollment in an inpatient treatment facility if deemed necessary by the PAPNJ.
- c. Regular attendance at meetings of Alcoholics Anonymous at a frequency to be determined by the Medical Director of the PAPNJ, but not less than three meetings per week. Respondent shall provide evidence of attendance at such groups directly to the PAPNJ on a form or in a manner as required by the Program.
- d. Respondent shall undergo random urine monitoring under the supervision of the PAPNJ on an unannounced basis, at a frequency to be determined by the PAPNJ, but no less than twice per week for the first three months and once per week thereafter. All test results shall be provided in the first instance directly to the PAPNJ and any positive result shall be reported immediately by the PAPNJ 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 PAPNJ.
- e. The Board reserves the right to require a modification of the manner of the random witnessed urine testing by the PAPNJ 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 PAPNJ 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 her 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 PAPNJ.
- 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 PAPNJ and shall meet with the PAPNJ on a face-to-face basis at least once a month for the first year, and thereafter at the discretion of the PAPNJ. Respondent agrees that the PAPNJ 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 PAPNJ 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 PAPNJ 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 PAPNJ rehabilitation program whether initiated by Respondent or by the PAPNJ.

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 PAPNJ, 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 PAPNJ to inform the licensing Board of that State of the current status of her recovery and her compliance with this Order.

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

a. Appear before the Board or a committee thereof 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 PAPNJ detailing her compliance with the requirements of the monitoring program 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, including proof of all necessary continuing education credits.
- 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.

NEW JERSEY STATE BOARD OF PHARMACY

By: Edward G. McGinley
Edward G. McGinley, R.Ph.
Board 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.

Lucille M. Leone-Walker
Lucille M. Leone Walker, R.P.

Agreed as to the monitoring and reporting requirements of this Order on behalf of the Professional Assistance Program - NJ

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