

PAULA T. DOW  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street, 5<sup>th</sup> Floor  
P.O. Box 45029  
Newark, New Jersey 07101  
Attorney for the New Jersey State Board of Pharmacy

**FILED**

JAN 13 2011

**BOARD OF PHARMACY**

By: William J. Volonte  
Deputy Attorney General  
Tel: (973) 648-7093

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

LESLIE I. FOX, R.P.  
Lic. No. 28RI01461400

TO PRACTICE PHARMACY IN THE  
STATE OF NEW JERSEY

Administrative Action

**CONSENT ORDER OF  
PERMANENT REVOCATION  
OF LICENSURE**

This matter was opened to the New Jersey State Board of Pharmacy (the "Board") upon receipt of information that Respondent Leslie I. Fox, R.P. ("Respondent"), was indiscriminately dispensing controlled dangerous substances ("CDS") from lists transmitted from the office of Henry L. Morganstein, D.O., in Camden, N.J., under circumstances where Respondent knew or should have known that the lists were not valid prescriptions. Specifically, the information indicates that Respondent, the pharmacist-in-charge at Gloucester City Pharmacy, in Gloucester City, N.J., received faxed lists with more than five hundred (500) names of alleged patients who

were being "prescribed" alprazolam, either 1 or 2 mg (which was listed under the trade name of "Xanax,") and Promethazine with Codeine, usually in 8 ounce bottles. At least one of the faxed lists shows a copy of a page with the list of names and addresses, and a notation on the side of the page stating "(I want all stix and syrup)<sup>1</sup> Call and make sure he gives me all the stix." At the bottom of the page, in different handwriting, is an indication that these individuals should be given 90 Xanax 2mg and Promethazine with codeine, plus three refills. Respondent dispensed the drugs based upon the faxed lists described above. The Respondent acted in concert with people employed by Dr. Morganstein's office, and with other individuals, to circumvent the statutes and regulations governing the proper filling of prescriptions for CDS in New Jersey. The Respondent caused CDS to be distributed to numerous people who had no valid medical need or reason for having the substances and placed numerous people at the risk of being harmed by the substances.

The Board reviewed all of the information presented and was advised that Dr. Morgenstein's license was revoked by the New Jersey State Board of Medical Examiners on or about October 12, 2010, for indiscriminate prescribing of CDS. The Board authorized the Professional Boards Prosecution Section of the Division of Law to initiate an action seeking to suspend or revoke the Respondent's license to practice pharmacy in New Jersey, and also seeking a temporary order of suspension of the Respondent's license to practice pharmacy in New Jersey, pursuant to N.J.S.A. 52:17A-4(h); N.J.S.A. 45:1-14 et seq.; N.J.S.A. 45:14-42, and/or N.J.S.A. 45:14-

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<sup>1</sup> "Stix" is the street name for Xanax, and "syrup" refers to Promethazine.

48(a)(6). The Division of Law filed such an application on January 5, 2011, with the return date of the order to show cause being January 12, 2011. The evidence indicates that the Respondent indiscriminately dispensed CDS, without good cause, and dispensed CDS in circumstances where he knew, or should have known, that the substances were to be used for unauthorized consumption or distribution, in violation of N.J.S.A. 45:1-21(m); and N.J.A.C. 13:39-3.11; committed in professional misconduct, in violation of N.J.S.A. 45:1-21(e); and N.J.A.C. 13:39-3.11; committed gross malpractice and negligence, and repeated acts of negligence and malpractice, in violation of N.J.S.A. 45:1-21(c); N.J.S.A. 45:1-21(d); and N.J.A.C. 13:39-3.11; and/or failed to comply with the minimum requisites for filling prescriptions, and the use of proper prescription blanks and procedures, in violation of N.J.S.A. 45:14-55; N.J.S.A. 45:14-57; N.J.S.A. 45:14-59; N.J.A.C. 13:45A-27.1 et seq.; N.J.S.A. 13:39-7.1 et seq.; N.J.S.A. 45:1-21(h); and/or N.J.S.A. 13:39-3.11.

Respondent now seeks leave to voluntarily surrender his license to practice pharmacy in the State of New Jersey, with such surrender to be deemed a permanent revocation of his license to practice pharmacy in the State of New Jersey, in accordance with the terms of this Consent Order.

The Board being satisfied that the entry of this Consent Order is adequately protective of the public health, safety and welfare, being satisfied that good cause exists for the entry of this Consent Order, and respondent having determined to resolve this matter without representation by counsel in formal proceedings, and having waived his right to those proceedings,

IT IS, therefore on this 11<sup>th</sup> day of January, 2011:

ORDERED AND AGREED THAT

1. Respondent hereby voluntarily surrenders his license to practice pharmacy in the State of New Jersey. The surrender is to be deemed a permanent revocation of respondent's license to practice pharmacy in the State of New Jersey.
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, medication, or controlled dangerous substance; 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. Respondent shall also cease and desist from seeking employment in any pharmacy, or being employed by or in any pharmacy, or by any pharmacist or any agent or employee of any pharmacist, and shall cease and desist from providing any consultation with, any services to, any pharmacy or pharmacist.
3. Respondent shall surrender his wall certificate, wallet certificate, and his most recent renewal card of his license to either an Investigator of the Enforcement Bureau of the Division of Consumer Affairs of the New Jersey Department of Law and Public Safety, or to the Executive Director of the Board immediately upon the entry of this Consent Order by mailing them to Joanne Boyer, Executive Director, Board of Pharmacy, 124 Halsey Street, 6<sup>th</sup> Floor, P. O. Box 45013, Newark, New Jersey 07101.

4. Respondent has been specifically informed of his right to retain an attorney to represent him in this matter. Respondent acknowledges that he has been advised of his right to counsel, has waived that right, and voluntarily enters into this Consent Order.

NEW JERSEY STATE BOARD OF PHARMACY

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

I have read and understood the within Order and agree to be bound by its terms. I understand that this Order has significant legal consequences and I have decided to enter into this agreement freely and voluntarily without counsel. I consent to the form and entry of the Order by the New Jersey State Board of Pharmacy.

Leslie I. Fox  
Leslie I. Fox, R.Ph.

Date: January 10, 2011

