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**FILED**

JAN 03 2012

**BOARD OF PHARMACY**

By: Megan Cordoma  
Deputy Attorney General  
Tel. No. (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

**Howard C. Cook, Jr., R.Ph.**  
License No. 28RI01561100

TO PRACTICE PHARMACY IN THE  
STATE OF NEW JERSEY

CONSENT ORDER

This matter was opened to the New Jersey State Board of Pharmacy ("Board") upon receipt of information that Howard C. Cook, Jr., R.Ph. ("Respondent") was terminated from his employment at Walgreen's Pharmacy in Bethlehem, Pennsylvania, for his admitted theft of \$3,856.51 of prescription medication between December 2010 and February 2011.



Respondent is enrolled in the Pennsylvania Professional Health Monitoring ("PPHM") and the Secundum Artem Reaching Pharmacists with Help ("SARPH"), Pennsylvania's Pharmacy Peer Assistance Programs. Pursuant to the SARPH Program, Respondent is to be monitored by the PHMP and SARPH for a minimum of three years, starting in approximately April 2011. Respondent is also enrolled in the Professional Assistance Program of New Jersey ("PAP") with the PAP acting as a secondary monitor. By correspondence dated April 18, 2011, Louis E. Baxter, M.D., FASAM, Executive Medical Director of the PAP endorses the licensure renewal of Respondent in the State of New Jersey.

Respondent has further provided documentation indicating that his aberrant behavior was caused by an adverse psychiatric drug reaction compounded by stress and that total restitution was made to Walgreens immediately. Respondent has never before been the subject of New Jersey Board of Pharmacy discipline.

Upon review of all available material, the Board finds that Respondent's admitted conduct constitutes professional misconduct, the use or employment of dishonesty, fraud, deception, misrepresentation, false promise and false pretense, and Respondent has engaged in acts constituting a crime or offense relating adversely to the activity regulated by the Board in



violation of N.J.S.A. 45:1-21(b), (e) and (f).

The parties, having agreed to resolution of this matter without formal proceedings, and Respondent, having agreed and given his voluntary consent to the within order and waiving any right to a hearing, and the Board finding the within disposition adequately protective of the public health, safety, and welfare, and other good cause having been shown;

**IT IS, therefore on this** 3<sup>RD</sup> **day of** JANUARY, 2011~~2~~

**ORDERED THAT:**

1. Respondent's license is hereby suspended for a period of two years, effective upon the filing date of this Order. The first three months of the period of suspension shall be active, with the remaining 21 month period stayed and served as a period of probation.

2. During his entire period of suspension and probation, Respondent shall be subject to the following conditions:

a. 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.

b. Respondent shall provide a detailed description of his job, role and responsibilities and shall inform the Board in writing of any changes in employment, including periods when he is unemployed.

c. Respondent shall maintain his enrollment in

and comply fully with the monitoring program established for him by SARPH. In addition, Respondent is to be monitored by a psychiatrist, is to be treated by a Pennsylvania Board Approved Drug and Alcohol Provider in individual therapy, is required to attend SARPH's Pharmacist specialty twelve step meetings, and to undergo random observed body fluid screens, all at a frequency to be determined by SARPH. Respondent is to abstain from alcohol and all psychoactive substances unless prescribed for legitimate medical conditions.

d. Respondent shall be responsible to ensure that SARPH and the PAP shall supply quarterly reports to the Board regarding his progress with the monitoring program.

e. Respondent shall obtain the agreement of SARPH and 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 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 SARPH monitoring program whether initiated by Respondent or SARPH.

3. During his period of probation, Respondent shall be subject to the following conditions:

- a. Respondent shall provide a copy of this Order to all present and future employers where a pharmacy license is required for employment or where the Respondent has access to medication, prescriptions or patient profiles. Respondent shall ensure that each employer notifies the Board in writing that he or she has received this Order.
- b. Respondent hereby consents to the automatic entry of an Order actively suspending his license without notice for the remaining period of his stayed suspension, upon the Board's receipt of any

information which the Board in its sole discretion deems reliable that Respondent has diverted medication, falsified prescriptions or has failed to comply with any of the conditions set forth in this Order. Respondent shall have the right to apply for removal of the automatic suspension on five (5) days notice but in such event shall be limited to a showing that the information submitted and upon which the Board relied was materially false. In addition, the Board reserves the right to bring further disciplinary action and place restrictions and/or limitations upon Respondent's certificate to practice as a Pharmacist in the State of New Jersey.

4. Respondent shall provide to the Board documentation of his successful completion, at his own expense, of either the ProBe or Prime ethics course, or another ethics course pre-approved by the Board, within six months of the date this Order is filed. Successful completion means that all sessions were attended, all assignments were properly and appropriately completed, and a passing grade was achieved which was unconditional and without reservation.

5. Respondent shall, within six months of the date this Order is filed, provide the Board with an in depth current evaluation from a mental health professional, approved by SARPH and the PAP, who has participated in Respondent's care and/or treatment.

6. 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 the urine monitoring program, therapists and mental health providers, SARPH or the PAP, or any other person or entity involved in his monitoring program.

NEW JERSEY STATE BOARD OF PHARMACY

By: \_\_\_\_\_

Edward G. McGinley, R.P.  
Board President

I have read the within Order, understand and agree to its terms and agree to be bound by them. I consent to the entry of this Order.

  
Howard C. Cook, Jr. R.Ph.

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

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

Agreed as to the monitoring and reporting requirements of this Consent Order on behalf of S.A.R.P.H.

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Kathie Simpson  
Executive Director of Operations  
SARPH



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