

# 84555

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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

Lucille M. Leone-Walker, R.Ph.  
**License No. 28 RI 02374100**

TO PRACTICE PHARMACY  
IN THE STATE OF NEW JERSEY

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: Administrative Action  
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: CONSENT ORDER  
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This matter was opened to the New Jersey State Board of Pharmacy (Board) upon receipt of Lucille M. Leone-Walker's (Respondent) petition for reinstatement of her license to practice pharmacy in New Jersey. Respondent's license was suspended for a minimum of two years by Consent Order filed on September 8, 2010, effective retroactively on May 13, 2010 following her conviction in Ohio of Deception to Obtain a Dangerous Drug, a third degree felony in violation of R.C. 2925.22 and the suspension of her

license to practice pharmacy in the State of Ohio.

On December 14, 2011 Respondent appeared and testified before the Board regarding her petition for reinstatement of her license to practice pharmacy in New Jersey. The Board was impressed by the candor with which Respondent explained in detail the personal circumstances which led to her abuse of medications and alcohol and her dedication to first achieving and then maintaining her sobriety. Respondent relocated back to New Jersey where she has the support of family and the ability to raise her children in a safe environment. She has permanently surrendered her license to practice pharmacy in Ohio. Respondent has been in documented recovery for more than two and one-half years, routinely participates in self-help group meetings and undergoes random weekly urine screens. Respondent has also been proactive in seeking out treatment for a diagnosis of depression. She was evaluated by a PAP and board approved psychiatrist who provided a report to the Board in which he states that Respondent has "demonstrated a fundamental and strong commitment to her recovery" and in which he opines that Respondent "should be considered for return to work as a pharmacist."

Respondent submitted documentation from the PAP confirming that she has at all times remained in compliance with the terms of the September 8, 2010 Consent Order and with all requirements of the PAP. Dr. Edward Reading also appeared and testified on Respondent's behalf, adding the whole-hearted support of the PAP to

her petition to return to practice.

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;

**IT IS on this 3<sup>RD</sup> day of JANUARY , 2012,**

**HEREBY ORDERED AND AGREED THAT:**

1. Effective upon the filing date of this Order, Respondent may be present in the prescription filling area of a pharmacy in order to allow her to participate in a board approved internship and/or seek employment as a pharmacy technician.
2. In the event that Respondent participates in an internship or becomes employed as a pharmacy technician, Respondent's employment shall be subject to the conditions set forth in paragraphs five through eight of this order and Respondent shall be responsible for obtaining all necessary Board approvals and/or registrations for any internship or pharmacy technician position prior to participation or employment.
3. Respondent shall provide to the Executive Director of the Board the following documents which shall all be to the satisfaction of the Board prior to the reinstatement of her pharmacist license:

- a. Documentation of 60 continuing education credits consistent with the requirements of N.J.A.C. 13:39-3A.1 to 13:39-3A.7.
  - b. Proof of successful completion of all application requirements including a Criminal History Background Check and payment of all reinstatement fees.
4. After respondent has complied with all the requirements of paragraph three of this Order, but no earlier than May 11, 2012, respondent's license to practice pharmacy shall be reinstated subject to the conditions in paragraphs five through eight of this Order.
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 regimen 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 a psychoactive substance within five days of issuance of the prescription.
  - c. Respondent shall attend support group meetings of Alcoholics Anonymous, or other twelve step recovery group, at a frequency of not less than three meetings per week during any period of internship or employment as a pharmacy technician and for a minimum of two years following return to clinical practice as a pharmacist and thereafter at a frequency to be determined by 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 witnessed urine monitoring under the supervision of the PAP on an unannounced basis, at a frequency of no less than 2 times per week during any period of internship or employment as a pharmacy technician and for the first six months following Respondent's return to clinical practice as a pharmacist. Subsequent reductions in the frequency of urine screens shall be at the direction of the executive medical director of the PAP consistent with Respondent's duration in recovery with prior notification to the State Board of Pharmacy. 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.
- 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 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 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 continue to undergo ongoing monitoring of her depression with a licensed mental health professional pre-approved by the PAP.
- k. Respondent shall submit to continued monitoring by the PAP and shall meet with a member of the clinical staff of the PAP on a face-to-face basis at least once a month for during any period of internship or employment as a pharmacy technician and for a minimum of one year following Respondent's return to clinical practice as a pharmacist, with subsequent reductions at the direction of the executive medical director of the PAP consistent with Respondent's duration in recovery and with prior notification to the State Board of Pharmacy.
- l. 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.
- m. 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.

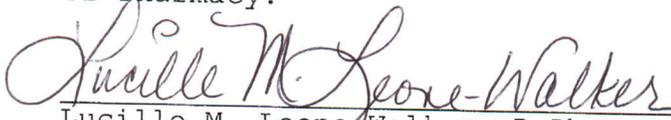
- n. Respondent expressly waives any claim to privilege or confidentiality that she may have concerning reports and disclosures to the Board, and use by the Board of that information in any license proceedings, including reports and disclosures by the urine monitoring program, or the PAP, or any other person or entity involved in her rehabilitation program.
  - o. All costs associated with the monitoring outlined above shall be the responsibility of, and paid directly by, Respondent.
6. 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 for the first two years of employment as a pharmacist following reinstatement of her license to practice pharmacy.
7. Respondent hereby consents to the entry of an Order of automatic suspension of license, pharmacy technician registration and/or internship approval 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, any other provision of this Order, any report of a confirmed positive urine, or a prima facie showing of a relapse or recurrence of the use of alcohol or a psychoactive substance which is not prescribed by a treating health care professional with notification to the PAP as described in ordered paragraph 5a.

8. 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 urine tested was not hers or was a false positive in the case of urine testing, or that other information submitted was false.

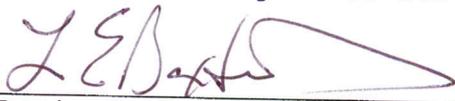
NEW JERSEY STATE BOARD OF PHARMACY

By: \_\_\_\_\_  
Edward McGinley, R.Ph.  
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, R.Ph.

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

  
\_\_\_\_\_  
Louis E. Baxter, Sr., M.D., FASAM  
Medical Director  
Physicians Assistance Program

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NEW JERSEY STATE BOARD OF PHARMACY

By: Edward Mc Ginley  
Edward McGinley, R.Ph.  
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, R.Ph.

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

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