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BOARD OF PHARMACY

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
HEIDI ELZER, R.P. License No.: 28RI02541700	**CONSENT ORDER**
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 November 25, 2009 respondent Heidi Elzer ("Respondent") was discharged by Hunterdon Medical Center because she was alleged to have diverted prescription medication including controlled substances and violated Hunterdon Medical Center's Substance Abuse Policy. On February 2, 2010, respondent was charged with "theft by unlawfully exercising control over . . . 3,711 class 3 and class 4 narcotics belonging to Hunterdon Medical Center" in violation of N.J.S.A. 2C:20-3A. On March 16, 2010, Respondent entered into a Pre-Trial Intervention (PTI) program. Respondent's entry into PTI was conditioned upon submission to substance abuse and mental health evaluations and random drug screens for one year.

Respondent subsequently provided the Board with evidence that she enrolled in the Professional Assistance Program of New Jersey ("PAPNJ") on February 24, 2011, and that as of March 31, 2011, she satisfactorily completed PTI. In addition, the PAPNJ provided a letter of support for her renewed licensure, and indicated that she is in compliance with the program. Respondent's attorney has advised the Board that respondent has refrained from the practice of pharmacy since November 2009.

The Board has reviewed all of the information presented, and finds that respondent has engaged in deception and misrepresentation, professional misconduct and acts constituting a crime or offense related adversely to the profession, providing bases for discipline against her license pursuant to N.J.S.A. 45:1-21(b), (e) and (f). 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 25th day of JANUARY, 2012

ORDERED and AGREED that:

1. Respondent's license to practice pharmacy in New Jersey is suspended for a period of six months, retroactive to February 24, 2011, the date of her enrollment in the PAPNJ.

2. Respondent shall 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.

3. Until further Order of the Board, respondent shall not act as a preceptor or a pharmacist-in charge (RPIC) at any pharmacy and shall not have an ownership interest in any pharmacy.

4. Respondent shall be subject to an Order of automatic suspension of her license upon the Board's receipt of any information which the Board, in its sole discretion, deems reliable demonstrating that respondent has failed to comply with any of the conditions set forth in this Order including but not limited to a failure to comply with the requirements of the monitoring program of the PAP. Respondent shall have a right to apply to the Board to request a hearing, on ten (10) days' notice, for removal of the automatic suspension, but the application shall be limited to a showing that the information submitted to the Board was false or inaccurate. The Board may hold a hearing on that application before the full Board or before a committee of the Board. In the event a committee hears the application, its action shall be subject to ratification of the full Board at its next scheduled meeting.

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.

Heidi Elzer, R.P.

Consent is given as to form and entry of this Order

John E. Lanza, Esq.
Attorney for Heidi Elzer, R.P.

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

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