

# 95833

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Attorney for the Board of Pharmacy

**FILED**

APR 30 2013

**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

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IN THE MATTER OF THE :  
APPLICATION OF :  
:  
:  
**NICK A. STAMATIADIS** :  
License No. 28RI03185800 :  
:  
:  
FOR REINSTATEMENT OF LICENSURE :  
TO PRACTICE PHARMACY IN THE :  
STATE OF NEW JERSEY :

Administrative Action

**CONSENT ORDER  
OF REINSTATEMENT**

This matter was opened to the New Jersey State Board of Pharmacy ("The Board") upon receipt of Respondent Nick A. Stamatiadis's request for reinstatement of his license to practice pharmacy in the State of New Jersey. On June 23, 2011, Respondent was arrested and charged with theft by Unlawful Taking in violation of N.J.S.A. 2C:20-3 and Possession Controlled Dangerous Substance or Analog in violation of N.J.S.A. 2C:35-10A(1). Specifically, Respondent diverted controlled dangerous substances from his employer's pharmacy for his own use and without a valid prescription. Thereafter, by way of consent order, Respondent's license

to practice pharmacy was suspended for a period of two years, beginning July 12, 2011, with a minimum of one year to be served as an active suspension and the remaining period stayed and served as a period of probation. Prior to applying for restoration of his license, Respondent was required to demonstrate his fitness and competence to practice pharmacy, to demonstrate rehabilitation, and provide documentation of the disposition of the criminal matter, including completion of criminal sentencing and probation terms and payment of criminal fines.

Pursuant to the terms of his plea agreement for the aforementioned charges, Respondent enrolled in and completed a Pre-Trial Intervention program through the Hunterdon County Probation program. The program required that Respondent complete 100 hours of community service and attend a Narcotics Anonymous program. Respondent provided proof that he satisfied these requirements and was dismissed early from probation.

Dr. Louis Baxter, Executive Medical Director, Professional Assistance Program (PAP), by correspondence dated March 12, 2013, supported Respondent's petition for reinstatement. Respondent has been an active participant in the PAP since August 2011, is compliant with all stipulations in the Consent Order filed on November 15, 2011 and follows all aspects of his monitoring plan, including undergoing regular urine monitoring, the results of which have all been negative for the presence of psychoactive substances. Respondent also provided a report of clinical evaluation from a Board approved psychologist knowledgeable in addiction therapy who opines that Respondent shows no evidence of current substance use disorder or any other mental health problems.

Respondent, being desirous of resolving this matter without the necessity of further formal proceedings, and agreeing to waive any right to a hearing, 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;

**ACCORDINGLY, IT IS on this 29 day of April, 2013,  
ORDERED THAT:**

1. Respondent's license shall be reinstated following his provision to the Executive Director of the Board of the following which shall all be to the satisfaction of the Board:

a. Proof of successful completion of all application requirements including a criminal history background check, and payment of all reinstatement fees;

b. Documentation of completion of continuing education credits required by N.J.A.C. 13:39-3A.1 to 13:39-3A.7.

2. After Respondent has complied with all of the above requirements to the satisfaction of the Board, Respondent's license to practice pharmacy shall be reinstated and placed on probation until July 12, 2013.

3. Respondent shall continue to enroll in and comply fully with the monitoring program established for him by the Professional Assistance Program of New Jersey (PAP), during his period of probation and thereafter until further Order of the Board. Such monitoring program shall include but not be limited to:

a. Respondent shall continue to attend support group meetings of Alcoholics Anonymous at a frequency determined by the Executive Director of 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.

b. 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 regime within five days of issuing the prescription. Respondent shall advise all of his treating health care practitioners, who prescribe medications, of his 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 psychoactive substance within five days of issuance of the prescription.

- c. Respondent shall undergo random witnessed urine monitoring under the supervision of the PAP on an unannounced basis, at a frequency determined by PAP until PAP releases Respondent from the program. The urine monitoring shall include but not be limited to, screening for psychoactive substances and alcohol. 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.
- d. 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.
- e. 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 his appearance for the urine test so infeasible that a reasonable person would waive Respondent's requirement to give the urine sample that day.
- f. 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.
- g. 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.

- h. 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.
- i. Respondent shall submit to continued monitoring by the PAP and shall meet with the PAP on a face-to-face basis at least once a month until PAP releases Respondent from the program.
- j. 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 his progress with the monitoring program.
- k. 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.
- l. 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, or the PAP, or any other person or entity involved in his rehabilitation program.
- m. All costs associated with the monitoring outlined above shall be the responsibility of, and paid directly by, Respondent.

4. During the period of probation, a copy of this Order shall be provided to all respondent's employers where a pharmacy license is required for employment or where the Respondent has access to medication, prescriptions or patient profiles. Prior to Respondent beginning employment, Respondent shall ensure that each employer notifies the Board in writing that he or she has received this Order and agrees to report to the PAP and the Board immediately if Respondent diverts drugs, there is indication Respondent may have diverted medication, or

Respondent appears at work in an impaired state. The Respondent shall inform the Board in writing of any employment changes, including periods of unemployment, and shall also provide a detailed description of his job, role and responsibilities within 7 days of any such change.

5. During the period of probation, Respondent shall not act as a preceptor or pharmacist-in-charge (RPIC) at any pharmacy, and shall not own or have an ownership interest in any pharmacy.

6. Respondent hereby consents to the entry of an Order of automatic suspension of license 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 above.

7. 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 his or was a false positive in the case of urine testing, or that other information submitted was false.

8. Failure to comply with any of the terms of this Consent Order may result in further disciplinary action.

NEW JERSEY STATE BOARD OF PHARMACY

By: Edward G. McGinley  
Edward G. McGinley, R.P.,  
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.

\_\_\_\_\_  
Nick Stamatiadis

\_\_\_\_\_  
Date

Consent as to form and entry.

\_\_\_\_\_  
Angelo J. Cifaldi, Esq.  
Attorney for Nick Stamatiadis, R.P.

\_\_\_\_\_  
Date

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

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

\_\_\_\_\_  
Date

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NEW JERSEY STATE BOARD OF PHARMACY

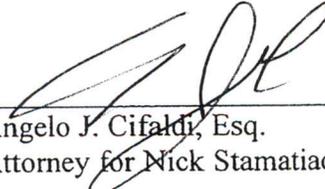
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Nick Stamatiadis

4/11/13  
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Angelo J. Cifaldi, Esq.  
Attorney for Nick Stamatiadis, R.P.

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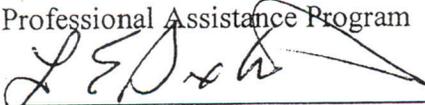
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Nick Stamatiadis Date

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Angelo J. Cifaldi, Esq. Date  
Attorney for Nick Stamatiadis, R.P.

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

4/17/13