



CHRIS CHRISTIE  
Governor

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Lt. Governor

## New Jersey Office of the Attorney General

Division of Consumer Affairs  
Case Initiation and Tracking Unit  
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Director

December 2, 2013

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**-Via Overnight Delivery & First Class Mail-**

Joseph Hayden, Esq.  
Walder, Hayden & Brogan  
5 Becker Farm Road  
Roseland, NJ 07068

Re: In The Matter of the New Jersey CDS  
Registration Issued to  
Jacqueline Lopresti, D.O.  
N.J. CDS Reg. No. D05209700  
Docket #: 13-075

Enclosed please find a Consent Order NJ CDS Registration Revocation in connection to the above captioned matter which was filed on **November 21, 2013**.

Respectfully,

  
James Rodriguez  
Clerk

cc: Eric T. Kanefsky, Director  
Maryann Sheehan, Deputy Director, Professional Boards  
David M. Puteska, Deputy Attorney General  
Megan Cordoma, Deputy Attorney General

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**FILED**

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**Division of Consumer Affairs**

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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS

IN THE MATTER OF THE NEW JERSEY :  
CDS REGISTRATION ISSUED TO :

JACQUELINE LOPRESTI, D.O. :  
NJ CDS REG. No. D05209700 :

Administrative Action

**CONSENT ORDER**  
**NJ CDS REGISTRATION**  
**REVOCATION**

13-075

This matter was opened to Eric T. Kanefsky, Director of the New Jersey Division of Consumer Affairs (the "Director") pursuant to his authority over the dispensing of Controlled Dangerous Substances ("CDS") as set forth in N.J.S.A. 24:21-1 et. seq. On September 30, 2013, the Director entered an Order to Show Cause regarding the revocation of the NJ CDS Registration of Jacqueline LoPresti, D.O. ("Respondent"). A copy of that Order to Show Cause is attached hereto as Exhibit 1.

Respondent was a physician licensed to practice medicine and surgery in New Jersey by the New Jersey State Board of Medical Examiners (the "Board"). Respondent also maintains a registration to prescribe and/or dispense CDS issued by the New Jersey Division of Consumer Affairs (the "Division") pursuant to N.J.S.A. 24:21-10 under registration number D05209700. At all times relevant hereto, Respondent maintained a medical office located in Shrewsbury, New Jersey where she practiced internal medicine.

On February 4, 2013, Respondent's medical license was revoked by the Board. The gravamen of the Board's revocation order was Respondent's admission that she engaged in the indiscriminate prescribing of CDS. A copy of the Board's order is attached hereto as Exhibit 2 and incorporated by reference. Respondent's CDS registration became inactive upon the filing of the Board's revocation order.

On October 23, 2012, Respondent pled guilty in the United States District Court for the District of New Jersey to one count of knowing and intentional conspiracy to distribute, and possession with the intent to distribute, oxycodone (a Schedule II controlled substance) without a legitimate medical purpose and outside the usual course of professional practice in violation of 21 U.S.C. §841(a)(a) and (b)(1)(C) and 21 U.S.C. §846. (Plea Transcript attached hereto as Exhibit 3).

As part of her guilty plea, Respondent admitted that from June to September 2009 she participated with another individual to distribute and possess with intent to distribute oxycodone. (Exhibit 3, Pgs. 24 to 26). Specifically, Respondent admitted that she provided her co-conspirator with CDS prescriptions in the names of other persons and received payment for these prescriptions. Respondent further admitted that she issued the CDS prescriptions outside the usual course of professional medical practice and inconsistent with legitimate medical care. (Exhibit 3, Pgs. 24 to 26).

On July 29, 2013, Respondent was sentenced to fifty-seven (57) months of incarceration in federal prison and fined \$5,000. (Amended Judgment of Conviction attached hereto as Exhibit 4). Upon completion of her incarceration, Respondent is also required to serve three years of supervised release.

The Drug Enforcement Administration (“DEA”) has confirmed that the current status of Respondent’s DEA registration is “surrendered for cause.”

N.J.A.C. 13:45H-7.4(a) requires that all prescriptions for CDS be issued only for legitimate medical purposes by a practitioner acting in the usual course of her professional practice. Respondent’s guilty plea included the admission that she issued CDS prescriptions without legitimate medical purposes and outside the usual course of professional practice. (Exhibit 3, Pgs. 24-26).

Respondent’s conviction of an indictable offense related to the indiscriminate prescribing of CDS constitutes grounds for the revocation of her New Jersey CDS registration pursuant to the Director’s authority under N.J.S.A. 24:21-12(a)(2). Respondent’s issuance of CDS prescriptions for non-legitimate medical purposes constitutes a violation of N.J.A.C. 13:45H-7.4(a) and thus provides grounds for the revocation of her New Jersey CDS registration pursuant to N.J.S.A. 24:21-12(a)(3). Respondent’s DEA status of “surrendered for cause” provides grounds for the revocation of her New Jersey CDS registration pursuant to N.J.S.A. 24:21-12(a)(4).

Upon receipt of the Order to Show Cause initiating this matter, Respondent, through counsel, indicated her desire to consent to the revocation of her New Jersey CDS Registration. Pursuant to the above information; the Director’s authority under N.J.S.A. 24:21-12(c); Respondent’s consent and for good cause shown:

IT IS ON THIS 21<sup>st</sup> day of November, 2013 **ORDERED** that

1. New Jersey CDS Registration number D05209700 issued to Respondent is revoked pursuant to N.J.S.A. 24:21-12 (a)(2), (3) and (4);

2. To the extent not already completed, any prescription pads bearing the licensee's name shall be destroyed. A destruction report form, obtained from the Division's Office of Drug Control, must be filed. Any CDS in Respondent's possession, other than for legitimate personal use pursuant to a duly issued prescription, must be returned to the manufacturer, if possible or destroyed in an approved fashion.

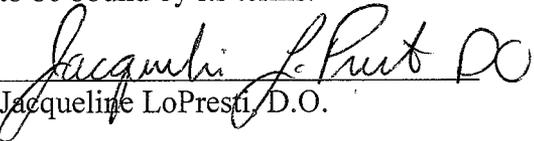
3. Within thirty (30) days of Respondent's receipt of a filed copy of this Final Order he shall provide a copy to the DEA.

4. Any future application by Respondent to the Director for a CDS registration shall be issued only after he has been issued a license to practice medicine and surgery in New Jersey by the Board and after he proves, to the Director's satisfaction, that such issuance is in the public interest as set forth in N.J.S.A. 24:21-11.

NEW JERSEY DIVISION OF CONSUMER AFFAIRS

By:   
Eric T. Kanefsky, Director

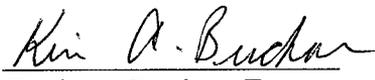
I have read and understood this Final Consent Order and consent to be bound by its terms.

  
Jacqueline LoPresti, D.O.

Dated: 11-5-13

Consented to as to form:

Walder, Hayden & Brogan, P.A.  
Attorneys for Respondent

By:   
Kevin A. Buchan, Esq.

Dated: 11-12-13