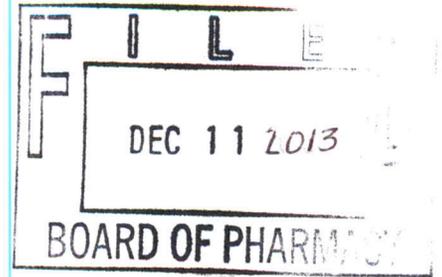


JOHN J. HOFFMAN  
ACTING ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street, 5<sup>th</sup> Floor  
P.O. Box 45029  
Newark, New Jersey 07101  
Attorney for the Board of Pharmacy



By: Jodi C. Krugman  
Deputy Attorney General  
Tel. (973) 648-2436

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

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IN THE MATTER OF THE APPLICATION OF:  
:  
**Nicholas J. Pariaros** :  
:  
TO BE LICENSED AS A PHARMACIST :  
IN THE STATE OF NEW JERSEY :  
:

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**Administrative Action**

**CONSENT ORDER**

This matter was opened to the New Jersey State Board of Pharmacy ("Board") upon receipt of an application for a license to practice pharmacy by respondent Nicholas J. Pariaros ("Respondent"). Respondent submitted his application, including authorization for a criminal history background check, on or about May 10, 2012. Respondent disclosed having engaged in the illegal use of controlled dangerous substances, having been arrested and/or convicted of a crime or offense, and having his license as a pharmacy intern suspended.

The criminal history background check revealed that respondent had been arrested on May 19, 2005 and charged with simple assault in violation of N.J.S.A. 2C:12-1(A)1, terroristic threats in violation of N.J.S.A. 2C:12-3(a), and harassment in violation of N.J.S.A. 2C:33-4A. On August 3, 2005, respondent was convicted of the charge of harassment and ordered to pay a fine. On December 15, 2008, respondent was arrested in Tampa, Florida and charged with Obtaining a Controlled Substance by Fraud and Drug Possession (the equivalent of N.J.S.A. 2C:35-13 and N.J.S.A. 2C:35-10.) Respondent plead guilty to both charges, and in lieu of adjudication, respondent was placed on probation for a period of 18 months, ordered to complete 50 hours of community service, and charged court costs.

In his narrative, Respondent explained that while working as a pharmacy intern in Florida, he was using alcohol and benzodiazepines on a regular basis. On or about December 15, 2008, he used information from the CVS where he was employed to call in a fraudulent prescription for controlled substances to the Target Pharmacy. When he went to pick up the controlled substances from Target, he was immediately arrested. The next day he was fired from CVS, and his Florida Intern License was revoked. He then returned to his home in New Jersey, and in February 2009 he enrolled in High Focus Centers out-patient rehabilitation center, and has abstained from all use of mood-

altering substances ever since. As a result of this incident, he was suspended from school for one year, and his intern registration was suspended in Massachusetts, but eventually respondent was allowed to return to complete his pharmacy degree and had his intern status restored with certain conditions. Respondent participated in the Massachusetts Professional Recovery System (MPRS). In accordance with his probation, he also performed twenty-six hours of community service.

In support of his Application for Licensure, Respondent provided a letter dated January 16, 2013 in which Dr. Louis Baxter, Executive Medical Director of the Professional Assistance Program ("PAP"), states that Respondent enrolled in the PAP in April of 2012, following his participation in MPRS from June 2011 to April 2012. Dr. Baxter indicated that Respondent has been compliant with all aspects of his monitoring requirements, and detailed a treatment plan established for him by PAP. Dr. Baxter recommends that upon licensure, Respondent must abstain from all psychoactive substances, and must continue regular attendance at Alcoholics Anonymous at least three times per week. Dr. Baxter recommended random, twice-weekly urine screen monitoring for the first two months, with weekly urine screens thereafter. Initially, Respondent was seen in monthly face-to-face follow-up with a clinical member of the PAP staff, then followed up every two months. Dr. Baxter states that

Respondent is approaching four years in documented recovery, and that PAP supports Respondent's request for licensure with the monitoring requirements as set forth in his treatment plan.

Having reviewed the entire record, the Board has determined that the public health, safety and welfare will be sufficiently protected by granting Respondent's application for licensure to practice as a pharmacist subject to the conditions outlined in this Order. Although the Respondent appears to have made substantial rehabilitation efforts, the Board is keenly aware of his history of substance abuse and of the Board's responsibility to protect the public's health, safety and welfare. Therefore, any deviation from or violation of the terms of this Order will result in the immediate and automatic suspension of Respondent's licensure.

Respondent consenting and agreeing to the terms of this Consent Order and the Board finding the within disposition is adequately protective of the public health, safety and welfare;

**IT IS THEREFORE ON THIS 11<sup>th</sup> DAY OF December, 2013**

**ORDERED AND AGREED:**

1. Respondent's license to practice pharmacy shall be granted subject to the conditions set forth in this Order.
2. Prior to being licensed, respondent shall pay all applicable licensing fees and successfully complete a criminal

history background check that demonstrates no criminal activity beyond that already disclosed to the Board. Respondent has already provided the Board with documentation of successful completion of NAPLEX and the Multi-state Pharmacy Jurisprudence Examination (MPJE). Upon completion of these requirements, respondent shall receive a license to practice pharmacy in New Jersey.

3. Respondent shall be placed on probation for a period of two (2) years, commencing from the date of initial licensure. The probation period is tolled for any length of time that Respondent is not practicing as a pharmacist for a minimum of 20 hours per week in the State of New Jersey. During the probationary period, 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.

4. For a minimum of two years, and until further Order of the Board, Respondent shall comply fully with the monitoring program established for him by the PAP. Such monitoring program shall include but not be limited to:

- a. Absolute abstinence from all non-prescribed 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 medications prescribed, 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.

- b. Respondent shall attend Alcoholics Anonymous at a frequency of not less than three meetings per week.
- c. 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 for a minimum of 12 months following Respondent's employment as a pharmacist. The 12 month period is tolled for any length of time that Respondent is not practicing as a pharmacist for a minimum of 20 hours per week in the State of New Jersey. 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 within twenty-four hours 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 a clinical representative of the PAP on a face-to-face basis at least once a month for a minimum of one year following Respondent's employment as a pharmacist. Subsequent reductions of appointments shall be 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.

- j. Respondent shall be responsible to ensure that PAP shall supply reports monthly 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.

5. 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.

6. Respondent shall have the right to apply for removal of the automatic suspension on seven (7) 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 or inaccurate.

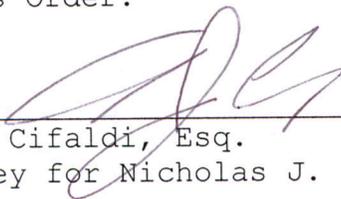
NEW JERSEY STATE BOARD OF PHARMACY

By: Thomas F.X. Bender, Jr., R.Ph.  
Thomas F.X. Bender, 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.

 11/19/13  
Nicholas J. Pariaros Date

Consent is given as to form and entry Of this Order:

 11/25/2013  
Angelo Cifaldi, Esq. Date  
Attorney for Nicholas J. Pariaros

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



11/18/13

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