

# 96535

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



By: Megan Cordoma  
Deputy Attorney General  
(973) 648-3453

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

IN THE MATTER OF THE	:	Administrative Action
PERMIT OF	:	
	:	
LIBERTY DRUG AND SURGICAL	:	INTERIM CONSENT ORDER
PERMIT #28RS00390900	:	
	:	
TO OPERATE AS A PHARMACY	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Pharmacy (the "Board") upon the receipt of an inspection report of Liberty Drug and Surgical ("Liberty"), located at 195 Main Street, Chatham, New Jersey. The report was dated September 26, 2013, and documents a myriad of violations of the Board's regulations regarding sterile compounding as well as the requirements set forth in Chapter <797> of the United States Pharmaceutical Convention ("USP"). These violations include concerns in the areas of sterile compounding, environmental monitoring and documentation, cleaning and disinfecting,

training and garbing, and policies and procedures. A copy of this report has been provided to the Pharmacy.

Due to the danger to the public presented by improper practices associated with compounded sterile products, improper environmental monitoring, lack of proper training and lack of safe reporting procedures, the Board has determined that immediate cessation of all sterile compounding by Liberty is necessary to protect the public health, safety and welfare. The regular retail operations of the pharmacy will be permitted to continue normal operations.

The parties, having agreed to entry of this Interim Order, without further formal proceedings, and Liberty, having agreed and given voluntary consent to the within Order and waiving any right to a hearing, and the Board finding the within disposition adequately protective of the public health, safety and welfare, and other good cause having been shown;

**IT IS, therefore, on this 19 day of December,  
2013**

**ORDERED THAT:**

1. Liberty shall immediately cease and desist from all sterile compounding operations until further notice of the Board. Sterile compounding may only be performed for the limited purpose of allowing monitored observation of operations and compounding procedures by a monitor as set forth below.

Compounded medications made for the purpose of observation under the supervision of the Monitor shall not be released to the public for use or consumption.

2. Liberty shall contract with a third-party monitor (the "Monitor") pre-approved by the Board to review all compounding operations of the pharmacy. The Monitor shall ensure that the Pharmacy address the various issues of concern documented in the inspection report, and bring the pharmacy in compliance with the requirements of USP and the regulations of the Board.

3. Prior to any application to resume sterile compounding operations, Liberty shall furnish the Board with a report from the Monitor, which demonstrates review of all processes and procedures, and attests to compliance with all Board regulations and USP standards. Liberty shall also provide proof of environmental testing, pressure differential monitoring, and air and surface sampling for bacteria and fungi. All costs associated with the monitoring outlined in this Order shall be the responsibility of, and paid directly by, Liberty.

4. Upon receipt of a request of Liberty to resume sterile compounding operations, the Board will schedule a re-inspection of the pharmacy to ensure that all violations noted in prior inspection reports have been addressed. If requested by the Board, the RPIC shall appear before the Board or a committee

thereof, and testify regarding the pharmacy's adherence to all applicable laws, regulations and USP standards.

5. This Consent Order shall not be construed to be a disciplinary action or sanction of any kind, nor as an admission of liability of the pharmacy.

6. The entry of within Order is without prejudice to the further investigation and/or prosecution by the Board, the Attorney General, or any other regulatory or law enforcement agency of any violations by Liberty of any statutes or regulations governing the practice of pharmacy in the State of New Jersey or any violations of law, including but not limited to any pending matters under investigation.

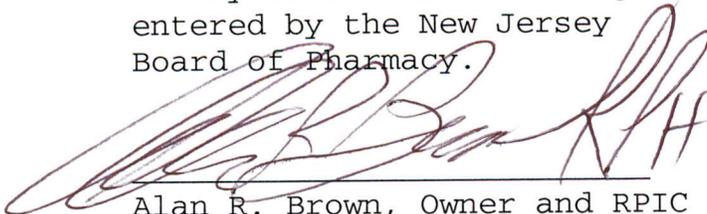
NEW JERSEY STATE BOARD OF PHARMACY

*Thomas F.X. Bender, Jr.*

By: \_\_\_\_\_

Thomas F.X. Bender, R.Ph.,  
President

I have read the within Order and understand it. I agree to be bound by its terms and hereby consent to it being entered by the New Jersey Board of Pharmacy.



Alan R. Brown, Owner and RPIC  
Liberty Drug and Surgical

Dated: 12/13/13