



N.J.S.A. 2C:35-10A(4) Possession of Marijuana/Hash Under, and  
N.J.S.A 2C:35-10.5E(1) Possession of PLD or Stramonium Prep.

On March 7, 2013, Respondent was entered into the Pre-Trial Intervention Program (PTI). Respondent's entry into PTI was conditioned upon a substance abuse evaluation. In addition, Respondent entered into the Professional Assistance Program of New Jersey (PAP) on March 14, 2013.

The Board finds that the allegations, if proven, would provide grounds to take disciplinary action against Respondent's license to practice pharmacy in New Jersey pursuant to N.J.S.A. 45:1-21(f), in that Respondent has engaged in acts constituting a crime relating adversely to the practice of pharmacy.

It appearing that Respondent wishes to voluntarily enter into an agreement without making admissions, 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 21<sup>st</sup> day of August, 2013  
ORDERED THAT

1. Respondent's license to practice pharmacy in the State of New Jersey shall be hereby suspended for a minimum of one (1) year, and until further Order of the Board. The suspension shall

be stayed and served as a period of probation during which time Respondent must enroll in and comply with all recommendations of the PAP. 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 aware of his substance abuse history 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.

b. Respondent shall attend support group meetings of Narcotics Anonymous and/or Alcoholics Anonymous at a frequency to be determined by the 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.

c. Respondent shall undergo random witness urine monitoring under the supervision of the PAP on a random, unannounced basis, at a frequency consistent with Respondent's duration in recovery with notification of any change in frequency to the State Board of Pharmacy. All test results shall be provided in the first instance 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 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 therapy with a therapist approved by the PAP, until such time as the treating therapist, in consultation with the Executive Medical Director of the PAP agree that therapy is no longer required.

j. Respondent shall be responsible to ensure that the PAP shall supply reports to the Board every ninety (90) days beginning on the "filed" date of this Order 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.

2. 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 until further Order of the Board.

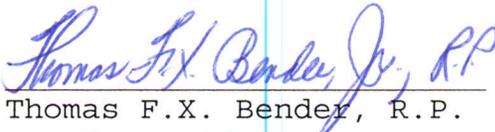
3. A copy of this Order shall be provided to all employers where a pharmacy license is required for employment or where the Respondent has access to medication, prescriptions, or patient profiles including his current employer. The Respondent shall ensure that each employer notifies the board in writing that he or she has received this Order prior to Respondent beginning employment. 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.

4. The Board reserves the right to require Respondent to appear and testify before the Board to establish that he is fit to practice as a pharmacist in New Jersey prior to removal of probationary conditions from his license.

5. During the probationary period, 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 any psychoactive substance which is not prescribed by a treating health care professional aware of Respondent's substance abuse history, for a documented medical condition, and with notification to the PAP.

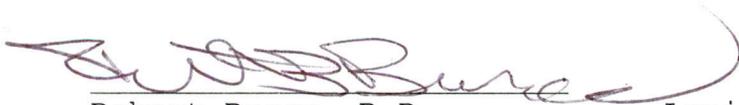
6. Respondent shall have the right to apply for removal of the automatic suspension on five (5) days notice but in such event shall be limited to a showing that the urine tested was not his or was a false positive in the case of urine testing, or that other information submitted was false.

NEW JERSEY STATE BOARD OF PHARMACY

By:   
Thomas F.X. Bender, R.P.  
Board President

I have read the within Order  
I understand and agree to  
its terms.

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

  
Robert Bucco, R.P.

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

Consent as to form and entry:

  
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Carmine R. Villani, Esq.  
Attorney for Respondent