



2C:35-10A(1). Specifically, the criminal complaint alleged that Respondent was in possession of 21 Methylcarbamol pills and 11 Hydrocodone pills without a valid prescription, having improperly taken the pills from his employer, without a prescription, from Rite Aid Pharmacy on or about June 22, 2010.

On October 18, 2010, Respondent was convicted of one count of Possession of Hydrocodone, in violation of N.J.S.A. 2C-20-3. On the same date, Respondent, in resolution of criminal charges resulting from the incident, signed a Waiver of Indictment, and entered into Pretrial Intervention (PTI). The Order of Postponement provides for a twelve month period of supervision, and requires, among other things, that Respondent undergo substance abuse evaluation and treatment, as well as random urine analysis.

At the time of the incident, Respondent admitted to his employer and to law enforcement that he had diverted controlled dangerous substances from his employer's pharmacy for his own use and without a valid prescription in July 2010. Respondent voluntarily agreed to cease and desist practicing pharmacy beginning June 22, 2010. 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.

Respondent appeared before the Board on September 18, 2013, to present his case for reinstatement. Respondent described the events leading up to his arrest. He explained that due to an illness, a detached retina and eye surgery, he was placed under a great deal of stress, which caused him to use poor judgment in dispensing medication for his own

use, without a prescription. He claimed that he did not consume the medication, but instead disposed of it in the restroom. Respondent testified regarding a prior suspension of his license by the Board for diversion of controlled substances in 1989, claiming the death of his mother at that time, and a cancer diagnosis of his sister were the triggers for his stress at that time. Respondent said that he will not divert again, because he is now full of contrition and recognizes the devastation his actions caused. He confirmed that he is still enrolled in the Professional Assistance Program (PAP), and intends to remain enrolled in PAP for as long as necessary.

When asked about his future plans, Respondent indicated he would like to go back to the profession he loves, working in a pharmacy as a dispensing pharmacist. He acknowledges that he has no current promises of employment.

Dr. Louis Baxter, Executive Medical Director, Professional Assistance Program (PAP), by correspondence dated July 25, 2013, supported Respondent's petition for reinstatement. Respondent has been an active participant in the PAP since April 2012, and compliant with 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. He has completed the one-year Rule Out (of substance disorder) and has remained free from any substance use during that time. It is the opinion of Dr. Baxter that Respondent is fit to return to the field of pharmacy, with the understanding that he must remain compliant with his monitoring requirements.

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 6 day of <sup>May, 2014</sup> ~~April, 2013~~,  
ORDERED THAT:**

1. Respondent's license to practice pharmacy is hereby suspended for a period of three years, retroactive to and effective and July 1, 2010, when Respondent ceased practice as a pharmacist.

2. 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.

3. Upon completion of all reinstatement requirements, Respondent's license shall be reinstated and Respondent shall be placed on probation through February 13, 2015.

4. During the period of probation, 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), and shall remain in the PAP, 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 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. Respondent may, with the agreement of PAP, at a frequency determined by the PAP and with written notification to the Board, engage in random hair analysis instead of urine sampling.
- 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.

5. During the period of probation, a copy of this Order shall be provided to all of 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.

6. 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.

7. 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.

8. 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.

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

[Signature] 4/18/14  
Jeffrey Strougo, R.Ph.

Consent as to form and entry.

[Signature] 4/22/14  
Date  
Francesco Taddeo, Esq.  
Attorney for Jeffrey Strougo, R.Ph.

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

[Signature] 4/25/14  
Date  
Louis E. Baxter, Sr., M.D., FASAM  
Medical Director  
Professional Assistance Program