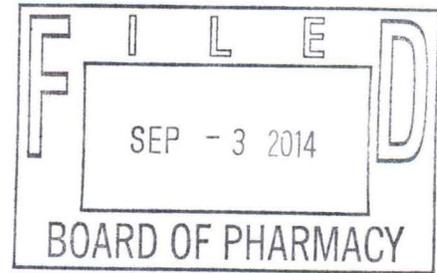


JOHN J. HOFFMAN  
ACTING ATTORNEY GENERAL OF NEW JERSEY  
Division of Law - 5<sup>th</sup> Floor  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101  
Attorney for the Board of Pharmacy



By: Megan Cordoma  
Deputy Attorney General  
Tel. No. (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 SUSPENSION :  
OR REVOCATION OF THE LICENSE OF :  
: :  
**Dawn Mahoney, R.Ph.** : Administrative Action  
License No. 28RI03421600 : **CONSENT ORDER**  
: :  
TO PRACTICE PHARMACY IN THE STATE :  
OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Pharmacy ("The Board") upon receipt of information that Dawn Mahoney, R.Ph. ("Respondent") had been arrested on October 31, 2013 by Berkeley Township Police Department for Possession of Controlled Dangerous Substance or Analog in violation of N.J.S.A. 2C:35-10A and Theft of Movable Property in violation of N.J.S.A. 2C:20-3A.

Specifically, Respondent admitted to removing from her employer pharmacy approximately 64 Zolpidem 10mg and 48 Alprazolam 2mg for personal use without a valid prescription on numerous occasions beginning in or before July 2013 until October 2013.

In October 2013, Respondent voluntarily stopped working as a pharmacist. In January 2014, Respondent voluntarily enrolled in the Professional Assistance Program of New Jersey ("PAPNJ"). By letter dated July 3, 2014, the PAP opined that Respondent has been compliant with all monitoring requirements and is in stable recovery and recommended that she be allowed to resume practice. Applicant has made substantial rehabilitation efforts. However, given the Board's responsibility to protect the public's health, safety and welfare, any deviation from or violation of the terms of this Order will result in the immediate and automatic suspension of Applicant's licensure.

Respondent, being desirous of resolving this matter without the necessity of further formal proceedings, and agreeing to waive any right to same, 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 3<sup>rd</sup> day of September, 2014,  
ORDERED THAT:**

1. Respondent's license to practice pharmacy is hereby suspended for a minimum of two (2) years. The first twelve (12) months shall be served as a period of active suspension beginning retroactive to and effective October 31, 2013,

granting respondent credit for a period of time she has voluntarily refrained from practice.

2. Respondent shall comply with a Criminal History Background Check to the Board's satisfaction and submit a reinstatement application together with payment of all reinstatement fees. Upon completion of these requirements, but in no event earlier than October 31, 2014 the remaining period of Respondent's suspension shall be stayed and served as a period of probation. The probation period is tolled, and therefore shall not be considered served, for any length of time that Applicant is not practicing as a pharmacist for a minimum of 20 hours per week in the State of New Jersey.

2. During the period of her active suspension, Respondent shall cease and desist from engaging in the practice of pharmacy including the following: respondent shall not handle, order inventory, compound, count, fill, refill or dispense any drug; she shall not handle anything requiring a prescription including devices and medications; she shall not handle prescriptions; she shall not advise or consult with patients, and she is prohibited from being present within a prescription filling area of a pharmacy.

4. Until further Order of the Board Respondent shall continue her enrollment in and comply fully with the monitoring

program established for her by 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 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 her treating health care practitioners, who prescribe medications, of her 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 a psychoactive substance within five days of issuance of the prescription.

b. Respondent shall attend 12-step recovery meetings of Alcoholics Anonymous if required by the PAP and at a frequency recommended 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 urine monitoring under the supervision of the PAP on an unannounced basis, at a frequency determined by the PAP. 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. Any failure by Respondent to submit or provide a urine sample within twenty-four (24) hours of a request will be deemed to be an act of non-compliance with the terms of this Order absent an excuse satisfactory to the PAP.

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 her 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 or medical condition 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. Respondent agrees that the PAP shall advise the Board immediately in the event it receives information or evidence of noncompliant behavior and/or relapse.

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 her 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 she 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 her rehabilitation program.

m. All costs associated with the monitoring outlined above shall be the responsibility of, and paid directly by, Respondent.

6. Within five days of receipt of a filed copy of this Order, Respondent shall surrender her original wall certificate, her wallet certificate, and the most recent renewal card of her license to her attorney Satish Poondi, Esq. who shall hold them in escrow until such time as Respondent's license is reinstated.

7. Until further order of the Board, a copy of this Order shall be provided to all employers where a pharmacy license is

required for employment or where Applicant has access to medication, prescriptions or patient profiles. Applicant shall ensure that each employer notifies the Board in writing that he or she has received this Order prior to Applicant beginning employment. Applicant shall inform the Board in writing of any employment changes within 10 days of their occurrence, including periods of unemployment, and shall also provide a detailed description of her job, role and responsibilities.

8. Until further Order of the Board, Applicant 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.

9. This Consent Order fully resolves all allegations contained in the Provisional Order of Discipline entered on June 4, 2014.

10. Any deviation from the terms of this Order without the prior written consent of the Board shall constitute a failure to comply with the terms of this Order. Upon receipt of any reliable information indicating Ms. Mahoney has violated any term of this Order, Ms. Mahoney's license may be automatically suspended by the Board. Ms. Mahoney, upon five days notice, may request a hearing to contest the entry of such an order. At any such hearing the sole issue shall be whether any of the information received regarding Ms. Mahoney was materially false.

In addition, the Board reserves the right to bring further disciplinary action.

NEW JERSEY STATE BOARD OF PHARMACY

By: Richard Palombo, R.Ph.  
Richard Palombo, R.Ph.  
Vice 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.

Dawn Mahoney  
Dawn Mahoney, R.Ph.

Consent as to form and entry:

Satish Poondi, Esq.  
Satish Poondi, Esq.  
Attorney for Respondent