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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS

IN THE MATTER OF THE TEMPORARY
SUSPENSION OF THE NJ CDS
REGISTRATION OF

THOMAS A. KOWALENKO, D.O.
License No. 25MB06592500
NJ CDS Registration No. D07238100

Administrative Action

**CONSENT ORDER OF
TEMPORARY SUSPENSION
OF NJ CDS REGISTRATION**

This matter was opened to Steve C. Lee, Acting Director of the New Jersey Division of Consumer Affairs (the "Director") on or about November 18, 2014, upon receipt of information that Thomas A. Kowalenko, D.O., New Jersey State Board of Medical Examiners (the "Board") License No. 25MB06592500, NJ CDS Registration No. D07238100 ("Respondent") was engaged in the indiscriminate prescribing of Controlled Dangerous Substances ("CDS") in violation of N.J.S.A. 24:21-12 et. seq. The information regarding Respondent's illegal conduct, includes, but is not limited to, information obtained from covert law enforcement officers posing as patients and an investigation of his prescribing practices.

A joint investigation of Respondent was conducted by the United States Drug Enforcement Administration ("DEA") and the Division of Consumer Affairs, Enforcement Bureau. The investigation of Respondent included multiple visits to Respondent's medical office by law

enforcement officers posing as patients demonstrating drug seeking behavior. At most of these visits Respondent provided prescriptions to the undercover officers for CDS including Vicodin, a Schedule II narcotic containing Hydrocodone; OxyContin, a Schedule II narcotic containing Oxycodone; and Methadone, a Schedule II opioid. These CDS prescriptions were written by Respondent despite a lack of legitimate medical need for such prescribing and/or with his knowledge of drug diversion by the undercover officer.

Respondent, who maintains a medical practice located at 808 Raritan Road, Clark, New Jersey, 07066, having been advised that he may consult legal counsel before signing this interim order, does not admit the conduct alleged, but has expressed his consent to the temporary suspension of his NJ CDS Registration pending the outcome of related DEA proceedings and/ or further order of the Director.

The Director, 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 25th day of November, 2014,

ORDERED THAT:

- 1) Respondent's New Jersey CDS registration No. D07238100 is temporarily suspended pending further order of the Director.
- 2) Respondent shall immediately return his original New Jersey CDS registration to Steve C. Lee, Acting Director, New Jersey Division of Consumer Affairs, Attention: Matthew Wetzel, Acting Executive Director Drug Control Unit, P.O. Box 45005, 124 Halsey Street, Newark, New Jersey, 07101, and shall immediately cease and desist from prescribing or dispensing any CDS medications.

3) Pursuant to N.J.S.A. 24:21-12(f), the Director shall promptly notify the DEA of the entry of this Interim Consent Order.

4) Pursuant to N.J.S.A. 24:21-12(e) the Director further orders that Respondent immediately place under seal all prescription pads and any and all CDS in his possession, except for any CDS Respondent possesses for personal use pursuant to a duly issued prescription. Respondent's prescription pads and CDS shall remain under seal until such time as a final order which includes the disposition of these sealed items is entered by the Director in this matter.

5) Respondent understands that this Interim Order is independent of, and not in lieu of, proceedings on behalf or by the DEA and further agrees that resolution of pending DEA matters will not resolve any matter which has, or could, be brought before the Board or Director. The parties hereby stipulate that entry of this Order is without prejudice to the filing of an Administrative Complaint and/or further investigation and/or action by this Board, Director or other law enforcement entities resulting from Respondent's conduct. The parties further stipulate that the entry of this Order is without admission of any wrongdoing by Respondent.

6) This order shall remain in effect until specifically modified by the Director through the entry of a subsequent order(s).

7) Respondent may apply to the Director to request a hearing for modification of the terms of this order. If Respondent requests a hearing to modify this Interim Order, Director shall convene a hearing within forty-five (45) days of Respondent's request to determine whether the restraints in the Interim Order should continue under the requirements set forth in N.J.S.A. 24:21-12.

8) Respondent has been specifically informed that he may consult an attorney to represent him in this matter. Respondent acknowledges that he has been advised of the ability to consult with counsel and that he chooses to voluntarily enter into this Interim Consent Order.

NEW JERSEY DIVISION OF CONSUMER AFFAIRS

By: 
Steve C. Lee,
Acting Director

I have read the within Order,
understand its terms and agree
to be bound by them. I consent
to entry of the Order by the
Director of the Division of
Consumer Affairs.


Thomas A. Kowalenko, D.O.

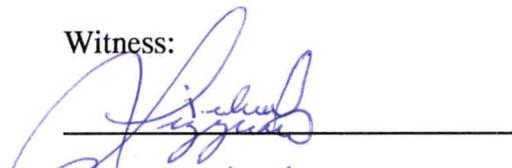
Dated: 11-28-14

Witness:


Kathleen Cefalu
Print Name

Dated: 11/24/14

Witness:


Richard Lizzano
Print Name

Dated: 11/24/14