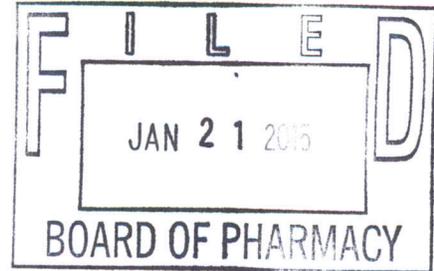


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By: Megan Cordoma  
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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF PHARMACY

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IN THE MATTER OF THE LICENSE OF

**Nicole Asper, R.Ph.**  
**License No.: 28RI02597800**

TO PRACTICE PHARMACY IN THE  
STATE OF NEW JERSEY

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**INTERIM**

**CONSENT ORDER**

This matter was opened to the New Jersey State Board of Pharmacy ("the Board") upon the receipt of information that Nicole Asper, R.Ph. ("Respondent") self-reported to the Board that she was presently engaged in drug or alcohol use likely to impair her ability to practice pharmacy with reasonable skill and safety. She has voluntarily enrolled in the Professional Assistance Program of New Jersey and an inpatient substance abuse treatment program.

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 21<sup>st</sup> day of JANUARY, 2015,  
ORDERED THAT:

1. Respondent is hereby granted leave and shall immediately surrender her license to practice pharmacy in the State of New Jersey until further Order of the Board.

2. Respondent shall immediately surrender her original wall certificate and wallet certificate and all renewal cards of her license by submitting them to her attorney Angelo Cifaldi, Esq. who shall hold them in escrow until such time as Respondent's license is reinstated.

3. Respondent shall immediately 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; shall not handle anything requiring a prescription including devices and medications; shall not handle prescriptions; shall not advise or consult with any patient, and is prohibited from being present within the prescription filling area of any pharmacy.

4. Respondent shall continue to enroll in and comply fully with the monitoring program established for her by the Professional Assistance Program of New Jersey (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 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 a psychoactive substance within five days of issuance of the prescription.

b. Successful completion of an approved treatment program under the supervision of the PAP, including but not limited to enrollment in an inpatient treatment facility if deemed necessary by the PAP.

c. Respondent shall attend support group meetings of Alcoholics Anonymous at a frequency to be determined by the Executive Director of 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.

d. Respondent shall undergo random urine monitoring under the supervision of the PAP on an unannounced basis, at a frequency to be 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.

e. 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.

f. 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.

g. 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.

h. 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.

i. 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.

j. 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 further relapse.

k. 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.

l. 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.

m. 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.

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

5. Prior to Board consideration of any petition for reinstatement of her New Jersey license, Respondent shall:

a. At the discretion of the Board, appear before the Board or a committee thereof to demonstrate her competency to reenter the practice of pharmacy.

b. Provide the Board with evidence that she is capable of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare and that she is not then suffering from any impairment or limitation resulting from the use of any addictive substance which could affect her practice.

c. Provide the Board with complete treatment records of all diagnostic and rehabilitative therapy and an in-depth, current evaluation from a psychiatrist or psychologist knowledgeable in addiction therapy. In addition, Respondent shall provide reports from each and every mental health professional (including, but not limited to: psychologists, psychiatrists, counselors, and therapists) who have participated in respondent's care and/or treatment during the period of time from the date the within Order is filed to her appearance before the Board or a committee thereof to discuss her readiness to reenter practice as a pharmacist.

d. Provide the Board with a report from the PAP detailing the nature and extent of her involvement with that entity.

e. Provide the Board with documentation of no less than six continuous months of random witnessed alcohol and drug screens which shall be negative for the presence of alcohol or drugs, as described above.

f. Provide the Board with a full account of her conduct during the intervening period of time from the entry of this Order to his appearance pursuant to this Order.

g. Provide documentation of successful completion of all continuing education credits required by N.J.A.C. 13:39-3A.1- 13:39-3A.7.

h. Provide documentation of successful completion of all application requirements including a Criminal History Background Check and payment of all reinstatement fees

6. Upon reinstatement of Respondent's license to practice pharmacy in New Jersey, the Board, in its discretion, may impose any conditions or restrictions on licensure it deems necessary to protect the public health, safety and welfare.

NEW JERSEY STATE BOARD OF PHARMACY

By:

Richard Palombo, R.Ph.  
Vice 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.

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

Nicole Asper  
Nicole Asper, R.Ph.

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

Consent as to form and entry:

Angelo Cifaldi  
Angelo Cifaldi, Esq.  
Attorney for Nicole Asper, R.Ph.

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NEW JERSEY STATE BOARD OF PHARMACY

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Angelo Cifaldi, Esq.  
Attorney for Nicole Asper, R.Ph.