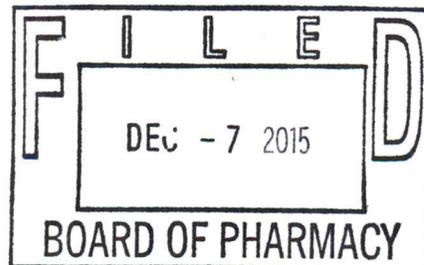


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :
: :
: :
Rakhi Butani Mohan, R.Ph. : Administrative Action
License No.28RI02553300 :
: :
: CONSENT ORDER
TO PRACTICE PHARMACY :
IN THE STATE OF NEW JERSEY :
: :
:

This matter was opened to the New Jersey State Board of Pharmacy (Board) upon receipt of information that Rakhi Butani Mohan (Respondent) was arrested in July 2012 and charged with obtaining CDS without a script. She was arrested again on January 8, 2013 and charged with being under the influence of controlled substances, and on May 21, 2014 charged with two counts of possession of CDS.

Respondent appeared with counsel and testified before a committee of the Board on July 1, 2015. The charges resulting from her arrest in 2012 were conditionally discharged and ultimately dismissed. The charges resulting from her arrests in 2013 and 2014 were dismissed.

Respondent admitted that she attempted to obtain controlled substances (Ambien) by calling in fraudulent prescriptions to a pharmacy in her own name and in the names of others. Following her arrest in 2012, she enrolled in inpatient rehabilitation followed by intensive outpatient therapy. She relapsed into the abuse of Ambien in 2013 and enrolled in inpatient rehabilitation followed up by intensive outpatient therapy again. She indicated that her current sobriety began in March 2014. Respondent continues to meet with a counselor once each week and a psychiatrist once each month and provided the Board with letters from various treating practitioners attesting to her current sobriety and ability to safely practice pharmacy.

Respondent's history of addiction to Ambien is of serious concern given her relapse in 2013 and her relatively recent recovery date of March 2014. However, Respondent has no prior history of discipline regarding her license to practice pharmacy. She has expressed remorse, appears to have accepted responsibility for her actions and has obtained appropriate treatment for her addiction.

The Board finds that Respondent's conduct provides 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 or offense involving moral turpitude or relating adversely to the activity regulated by the Board, pursuant to N.J.S.A. 45:1-21(b) in that Respondent has engaged in the use or employment of dishonesty, deception and misrepresentation and pursuant to N.J.S.A. 45:1-21(e) in that Respondent has engaged in professional misconduct.

Respondent, being desirous of resolving this matter without the necessity of further formal proceedings, and having waived 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;

IT IS THEREFORE ON THIS 7th DAY OF DECEMBER, 2015

ORDERED:

1. Respondent's license to practice pharmacy in the State of New Jersey be and hereby is suspended for two years, effective upon the date this Order is filed. The first three

months shall be served as a period of active suspension, with the remaining period of suspension to be stayed and served as a period of probation.

2. 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; 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.

3. Within five days following the entry of this Order, respondent shall surrender her original wall certificate, her wallet certificate, and the most recent renewal card of her license to an authorized representative of the Board or mail these items to: Executive Director Anthony Rubinaccio, New Jersey Board of Pharmacy, P.O. Box 45013, Newark, New Jersey 07101.

4. Respondent shall provide documentation of her successful completion, at her own expense, of either the ProBe or Prime ethics course, or another ethics course pre-approved by the Board, within twelve months of the date this Order is filed. Successful completion means that all sessions were attended, all assignments were properly and appropriately completed, and a

passing grade was achieved which was unconditional and without reservation.

5. 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.

6. During the period of probation, respondent shall inform the Board in writing of any employment changes, including periods of unemployment, and shall also provide a detailed description of her job, role and responsibilities. A copy of this Order shall be provided to all employers in whose employment Respondent has any role in the prescription dispensing process, handles drugs and/or has access to drugs. The respondent shall ensure that each such employer notifies the Board in writing that he or she has received this Order prior to respondent beginning employment.

7. During the periods of suspension and probation, Respondent shall maintain absolute abstinence from all psychoactive substances including alcohol unless prescribed by a treating health care professional aware of her substance abuse history for a documented medical condition. Respondent shall advise all of her treating health care practitioners, who prescribe medications, of her addiction history. Respondent shall also notify her Board approved therapist of any

prescription for psychoactive substance within five days of issuance of the prescription.

8. During the period of probation, Respondent shall continue to engage in therapy with a practitioner knowledgeable in addiction therapy at a frequency to be determined by the therapist. For the purposes of this order, Rosa-Anna Stanislaio MA, LPC is Board-approved.

9. During the period of probation, the therapist shall coordinate and monitor Respondent's compliance with the following.

a. Respondent shall attend support group meetings of Narcotics Anonymous and/or Alcoholics Anonymous at a frequency to be determined by the therapist, but no less than once each week.

b. Respondent shall undergo random witnessed urine monitoring (including but not limited to screening for Ambien) on a random, unannounced basis, at a frequency of no less than once per week. All test results shall be provided in the first instance directly to Respondent's Board-approved therapist and to the Executive Director of the Board.

c. 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 her therapist 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.

d. 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.

e. 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.

f. 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.

10. Respondent shall be responsible to ensure that her Board-approved therapist shall supply reports to the Board every ninety (90) days beginning on the filed date of this Order regarding her compliance with the monitoring program.

11. Respondent shall obtain the agreement of her therapist via a signature on this Order to coordinate and monitor Respondent's participation in Alcoholics Anonymous and urine screening, to provide the therapy outlined in this order and to notify the Board within 24 hours of his/her 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 rehabilitation program whether initiated by Respondent or by the therapist.

12. 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 her therapist, or any other person or entity involved in her rehabilitation program.

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

14. 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 provisions of this Order; has engaged in acts involving the filling of fraudulent or unauthorized prescriptions or has been convicted of or engaged in any act constituting a crime or moral turpitude or relating adversely to the practice of pharmacy; or 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 Respondent's therapist as described in this Order.

15. Respondent may contest the entry of any Order of automatic suspension by submitting, within five (5) days after receiving notice of the Order, a request for a hearing and specifying her reasons to contest the entry of such an Order. At any such hearing the sole issue shall be whether any information received by the Board was materially false. In addition, the Board reserves the right to bring further disciplinary action.

16. Failure to comply with any of the terms of this Consent Order may result in further disciplinary action and any

additional sanction determined by the Board to be appropriate based on the conduct found.

NEW JERSEY STATE BOARD OF PHARMACY

By: Thomas F.X. Bender, Jr. RPh
Thomas F.X. Bender, R.Ph.,
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.

Rakhi Butani Mohan
Rakhi Butani Mohan, R.Ph.

Consent as to form and entry:

Eric Morrell, Esq.
Eric Morrell, Esq.
Attorney for Respondent