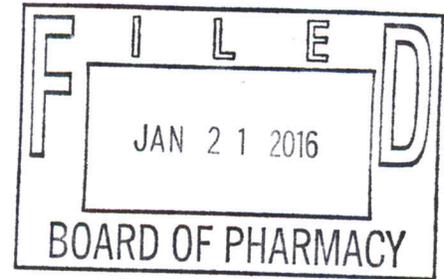


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHARMACY

IN THE MATTER OF THE LICENSE OF

Jeffrey P. Simone, R.Ph.
License No.: 28RI03545500

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 the self-reporting of Jeffrey P. Simone, R.Ph. (Respondent) that his license to practice pharmacy in the State of California was suspended based upon his impairment and his impairment related theft of controlled medication. In May 2013, Respondent was confronted by his employer, CVS/Caremark Pharmacy and admitted his opiate dependency and diversion of controlled medication from the pharmacy for personal use by falsifying prescriptions and by canceling prescriptions and converting pills for his own use over a two year period. He was arrested, and ultimately pled "no contest" to a criminal misdemeanor (embezzlement) related to the qualifications, functions and duties of a pharmacist.

The day following his arrest, Respondent admitted himself to the inpatient program offered by Authentic Recovery Center (ARC). Respondent successfully completed a three month residential treatment program between June 1 and September 1, 2013 and then transitioned into a full time day program. After completing the full-time program on January 4, 2014, he entered ARC's monitoring program, where he attended weekly group and submitted to weekly drug tests, all of which have been negative.

After being out of work for eight months, Respondent obtained full time employment with Roxsan Pharmacy in the State of California on January 31, 2014, where he practices exclusively within the infertility management department under careful monitoring and does not have access to Schedule II drugs. Although he holds an active license to practice pharmacy in New Jersey, he has not worked in this State since 2009. He has recently returned to the East Coast, residing in Eastern Pennsylvania.

On February 13, 2015, the California Board issued a Final Decision after Reconsideration which imposed a revocation of Respondent's California license. The revocation was stayed in its entirety to be served as a minimum 5 year period of probation, with the first 45 days to be served as an active suspension, effective March 16, 2015. During the period of probation, Respondent is required to comply with various supervision, therapy and other requirements, most of which are incorporated into this Order.

On November 17, 2015, Respondent entered into a Consent Order with the Pennsylvania Board of Pharmacy whereby the Board determined to issue a license to practice pharmacy in Pennsylvania to Respondent following his passing the MPJE exam. Respondent's Pennsylvania license, once issued, will immediately be placed on probation for a minimum period of five years.

During the period of probation, Respondent must comply with various supervision, therapy and other requirements, most of which are consistent with the California Order. Respondent's compliance with the Order will be monitored by the Bureau of Professional and Occupational Affairs, Professional Health Monitoring Programs ("PHMP"), Disciplinary Monitoring Unit ("DMU").

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 21st day of January, 2016,

ORDERED THAT:

1. Respondent's license to practice pharmacy in the State of New Jersey shall be suspended for a minimum period of five years, effective retroactively to March 16, 2015. The first 45 days of the period of suspension shall be considered served as an active suspension, with the remainder stayed and served as a period of probation until further Order of the Board.¹

2. Prior to becoming employed as a pharmacist in the State of New Jersey, Respondent shall:

a. Submit to the Board and the PHMP² copies of all documents submitted to the California Board from any and all treatment providers in connection with the California Order; and

b. Submit to a comprehensive evaluation by the PHMP. Respondent shall be responsible to ensure that the PHMP shall supply a report to the Board confirming his enrollment and outlining a monitoring plan consistent with this Order.

¹ This mirrors the time line imposed by the California Order.

² Respondent may also choose to enroll in the Professional Assistance Program of New Jersey ("PAP"), in which case all references to the PHMP in this Order shall be read to mean the PAP.

3. 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 in any State.

4. During the period of probation, a copy of this Order shall be provided to all employers, in any State, where a pharmacy license is required for employment or where the respondent has access to medication, prescriptions or patient profiles. The respondent shall ensure that each employer notifies the Board in writing that he or she has received this Order prior to respondent beginning employment. 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.

5. During the period of probation, Respondent shall practice in the State of New Jersey only under the supervision of a pharmacist who holds an active and unrestricted license to practice pharmacy in the State of New Jersey. Within ten (10) days of the commencement of employment, the supervisor shall sign a copy of this consent order confirming that he/she has seen this consent order and agrees to supervise Respondent.

6. During the period of probation Respondent shall not order, possess or otherwise have access to any controlled substances in Schedule II in any State. Respondent shall not order, receive or retain any prescription forms. However, if an evaluator from the PHMP provides written notification to the Board that in his or her opinion Respondent is deemed clinically safe to have access to controlled substances, then at such time, Respondent will no longer be required to adhere to this term and condition of probation.

7. During the period of probation, Respondent shall provide a copy of the conditions

of any criminal probation/parole to the Board, in writing, within 10 days of the issuance or modification of those conditions. Respondent shall provide the names of his probation/parole officer to the Board, in writing within 10 days after that officer is designated or a replacement for that officer is designated. Respondent shall provide a copy of all criminal probation/parole reports to the Board within 10 days after Respondent receives a copy of such a report.

8. Respondent shall continue to enroll in and comply fully with the monitoring program established for him by the PHMP during his period of probation and thereafter until further Order of the Board. Such monitoring program shall be determined by the PHMP and shall include but not be limited to:

a. Absolute abstinence from all psychoactive substances including alcohol unless prescribed by a treating health care professional aware of his substance abuse history for a documented medical condition and with notification from the treating health care professional to the executive medical director of the PHMP 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 PHMP of any prescription for a psychoactive substance within five days of issuance of the prescription. Respondent shall also personally notify the PHMP of any prescription for psychoactive substance within five days of issuance of the prescription.

b. Respondent shall attend support group meetings of Narcotics Anonymous and/or Alcoholics Anonymous at a frequency to be determined by the PHMP. Respondent shall provide evidence of attendance at such groups directly to the PHMP on a form or in a manner as required by the PHMP.

c. Respondent shall undergo random witnessed urine monitoring under the supervision of the PHMP on a random, unannounced basis, at a frequency to be determined by the executive medical director of the PHMP consistent with Respondent's duration in recovery with prior notification to the State Board of Pharmacy. All test results shall be provided in the first instance directly to the PHMP and any positive result shall be reported immediately by the PHMP to the Executive Director of the Board.

d. The Board reserves the right to require a modification of the manner of the

random witnessed urine testing by the PHMP 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 PHMP 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 PHMP.

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 therapy with a therapist knowledgeable in addiction therapy and approved by the PHMP, until such time as the treating therapist, in consultation with the Executive Medical Director of the PHMP agree that therapy is no longer required.

j. Respondent shall be responsible to ensure that the PHMP shall supply

reports to the Board every ninety (90) days beginning on the "filed" date of this Order regarding his progress with the monitoring program.

k. Respondent shall obtain the agreement of the PHMP 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 PHMP rehabilitation program whether initiated by Respondent or by the PHMP

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 PHMP, or any other person or entity involved in his rehabilitation program.

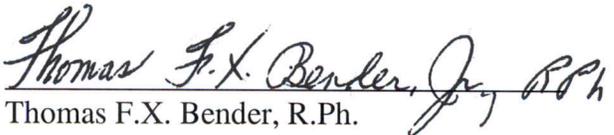
9. The probation period is tolled, and therefore shall not be considered served, for any period of time that Respondent is not practicing as a pharmacist for a minimum of 20 hours per week in the State of New Jersey, except that any period of time that Respondent is practicing in the State of California or the State of Pennsylvania subject to the terms of the probation period of the California Order and/or Pennsylvania Order shall be considered served.

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

11. During the probationary period, Respondent hereby consents to the entry of an Order of automatic suspension of license 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 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 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 the PHMP as described above.

12. 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 his 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.

NEW JERSEY STATE BOARD OF PHARMACY

By: 
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.

I agree to the monitoring and reporting requirements specified above on behalf of the PHMP

Jeffrey Simone, R.Ph.

Print Name:
Medical Director
PHMP

Agreed as to form and entry:

I have read the within Order and agree to supervise Jeffrey Simone, R.Ph.

Joseph Gorrell, Esq.
Attorney for Respondent

Print Name:
New Jersey License No.:

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Attorney for Respondent

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