

JOHN J. HOFFMAN  
ACTING ATTORNEY GENERAL OF NEW JERSEY  
P.O. Box 45029  
124 Halsey Street, Fifth Floor  
Newark, NJ 07101

By: David M. Puteska  
Deputy Attorney General



**FILED**

SEP 30 2013

**Division of Consumer Affairs**

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

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IN THE MATTER OF THE NEW JERSEY :	Administrative Action
CDS REGISTRATION ISSUED TO :	
ROGER LALLEMAND, JR., M.D. :	<b>ORDER TO SHOW CAUSE</b>
N.J. CDS REG. No. D07940900 :	<b>WHY CDS REGISTRATION</b>
:	<b>SHOULD NOT BE REVOKED</b>
:	

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13-077

This matter was opened to Eric T. Kanefsky, Director of the New Jersey Division of Consumer Affairs (the "Director") pursuant to his authority over the dispensing of Controlled Dangerous Substances ("CDS") as set forth in N.J.S.A. 24:21-1 et. seq. and is based upon his receipt and review of information on which the following preliminary findings of fact and conclusions of law are made.

Roger Lallemand, Jr., M.D. ("Respondent") was a physician licensed to practice medicine and surgery in New Jersey by the New Jersey State Board of Medical Examiners (the "Board") until January 29, 2013 when the Board accepted the surrender of his license to be deemed a revocation. A copy of the Board's order is attached hereto as Exhibit 1. Respondent was also registered to prescribe and/or dispense CDS issued by the New Jersey Division of Consumer Affairs (the "Division") pursuant to N.J.S.A. 24:21-10 under registration number

D07940900. Respondent's CDS registration became inactive upon the revocation of his medical license.

On May 1, 2012, the Attorney General filed a six count partially Verified Complaint which alleged, *inter alia*, that Respondent had engaged in indiscriminate prescribing of CDS. Specifically, the Complaint alleged that between December 2011 and March 2012, Respondent indiscriminately prescribed testosterone and narcotics to nine patients including an undercover officer from the DEA. (Exhibit 1, Pg. 2).

On January 29, 2013, Respondent consented to the entry of the order of revocation by the Board in which it found that Respondent had engaged in multiple violations of the rules and regulations governing the practice of medicine in New Jersey. The Board specifically found that Respondent had violated N.J.S.A. 45:1-21(m) by engaging in the prescribing of CDS indiscriminately or without good cause or where the applicant knew or should have known that the substances were to be used for unauthorized consumption or distribution. (Exhibit 1, Pg. 3).

N.J.A.C. 13:45H-7.4(a) requires that all prescriptions for CDS be issued only for legitimate medical purposes by a practitioner acting in the usual course of his professional practice. Respondent's consent to the entry of the Board's order, as detailed above, reflects that he issued CDS prescriptions without legitimate medical purposes and outside the usual course of professional practice.

The Board's finding that Respondent issued CDS prescriptions for non-legitimate medical purposes constitutes a violation of N.J.A.C. 13:45H-7.4(a) and thus provides grounds for the revocation of his New Jersey CDS registration pursuant to N.J.S.A. 24:21-12(a)(3).

Pursuant to the above information; the Director's authority under N.J.S.A. 24:21-12(c); and for good cause shown:

IT IS ON THIS 30th day of September, 2013 **ORDERED** that

1. The Respondent, Roger Lallemand, Jr., M.D., either in person or by attorney, shall show cause before the Director of the New Jersey Division of Consumer Affairs, on November 25, 2013 at 3:00 PM or as soon thereafter as the parties may be heard, at the New Jersey Division of Consumer Affairs, 124 Halsey Street, 7<sup>th</sup> Floor, Newark, New Jersey 07101, why an Order should not be entered (A) Revoking his New Jersey CDS registration pursuant to N.J.S.A. 24:21-12 (a)(3); and (B) Requiring that any future application by Respondent to the Director for a CDS registration be issued only after he proves, to the Director's satisfaction, that such issuance is in the public interest as set forth in N.J.S.A. 24:21-11;

2. That a copy of this Order be served upon Respondent or his attorney forthwith;

3. That Respondent shall file a response five (5) business days prior to the return date set forth above, stating in writing any and all reasons why the revocation of his CDS registration should not occur including any arguments in mitigation and all documents or other written evidence supporting Respondent's position; said response should be delivered to Eric Kanefsky, Director, New Jersey Division of Consumer Affairs, 124 Halsey Street, 7<sup>th</sup> Floor, P.O. Box 45029, with a copy delivered on that same date and time to David M. Puteska, Deputy Attorney General, Division of Law, 124 Halsey Street, 5<sup>th</sup> Floor, P.O. Box 45029, Newark, New Jersey 07101; and

4. That failure to respond to this Order to Show Cause or failure to appear before the Director in person or through an attorney, as is herein required, may result in this matter being considered in Respondent's absence and an Order may be entered against Respondent revoking

his New Jersey CDS Registration.

NEW JERSEY DIVISION OF CONSUMER AFFAIRS

By:  \_\_\_\_\_  
Eric T. Kanefsky, Director