

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

**FILED**

SEP 30 2013

**Division of Consumer Affairs**

By: David M. Puteska  
Deputy Attorney General



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

---

IN THE MATTER OF THE NEW JERSEY :	Administrative Action
CDS REGISTRATION ISSUED TO :	
:	
<b>JACQUELINE LOPRESTI, D.O.</b> :	<b>ORDER TO SHOW CAUSE</b>
<b>N.J. CDS REG. No. D05209700</b> :	<b>WHY CDS REGISTRATION</b>
:	<b>SHOULD NOT BE REVOKED</b>
:	

---

13-075

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.

Jacqueline Lopresti, D.O. ("Respondent") is a physician licensed to practice medicine and surgery in New Jersey by the New Jersey State Board of Medical Examiners (the "Board"). Respondent also maintains a registration 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 D05209700. At all times relevant hereto, Respondent maintained a medical office located in Shrewsbury, New Jersey where she practiced internal medicine.

On February 4, 2013, Respondent's medical license was revoked by the Board. The gravamen of the Board's revocation order was Respondent's admission that she engaged in the indiscriminate prescribing of CDS. A copy of the Board's order is attached hereto as Exhibit 1 and incorporated by reference. Respondent's CDS registration became inactive upon the filing of the Board's revocation order.

On October 23, 2012, Respondent pled guilty in the United States District Court for the District of New Jersey to one count of knowing and intentional conspiracy to distribute, and possession with the intent to distribute, oxycodone (a Schedule II controlled substance) without a legitimate medical purpose and outside the usual course of professional practice in violation of 21 U.S.C. §841(a)(a) and (b)(1)(C) and 21 U.S.C. §846. (Exhibit 1, Pgs. 1-2).

As part of her guilty plea, Respondent admitted that from June to September 2009 she participated with another individual to distribute and possess with intent to distribute oxycodone. (Exhibit 1, Pg. 2). Specifically, Respondent admitted that she provided her co-conspirator with CDS prescriptions in the names of other persons and received payment for these prescriptions. Respondent further admitted that she issued the CDS prescriptions outside the usual course of professional medical practice and inconsistent with legitimate medical care. (Exhibit 1, Pg. 2).

Evidence obtained during the criminal investigation, as alleged in the United States Government's criminal complaint, revealed that Respondent, on multiple occasions, met with various individuals at her medical office, home and at rest stops on the Garden State Parkway where she exchanged CDS prescriptions for cash. (Exhibit 2, Pgs. 35-36). On one such occasion, a confidential source brought cash and placed it in a paper bag that contained a blueberry muffin and left it on Respondent's front desk prior to receiving a prescription for 120 pills of 30 mg strength oxycodone. (Exhibit 2 at Pgs. 12-13). In addition to hundreds of

thousands of dollars in cash, Respondent also accepted various gifts including bottles of wine, muffins and donuts from various individuals to whom she was illegally prescribing CDS. (Exhibit 2, Pgs. 34-35). Prescriptions illegally issued by Respondent were filled at pharmacies located throughout New Jersey. (Exhibit 2, Pg. 40).

On July 29, 2013, Respondent was sentenced to fifty-seven (57) months of incarceration in federal prison and fined \$5,000. (Exhibit 3). Upon completion of her incarceration, Respondent is also required to serve three years of supervised release. Respondent also agreed to forfeit \$465,000 to the federal government in the related forfeiture action.

The Drug Enforcement Administration (“DEA”) has confirmed that the current status of Respondent’s DEA registration is “surrendered for cause.”

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 her professional practice. Respondent’s guilty plea included the admission that she issued CDS prescriptions without legitimate medical purposes and outside the usual course of professional practice. (Exhibit 1, Pg. 1-2).

Respondent’s conviction of an indictable offense related to the indiscriminate prescribing of CDS constitutes grounds for the revocation of her New Jersey CDS registration pursuant to the Director’s authority under N.J.S.A. 24:21-12(a)(2). Respondent’s issuance of 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 her New Jersey CDS registration pursuant to N.J.S.A. 24:21-12(a) (3). Respondent’s DEA status of “surrendered for cause” provides grounds for the revocation of her New Jersey CDS registration pursuant to N.J.S.A. 24:21-12(a) (4).

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, Jacqueline Lopresti, D.O. 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 11:00 AM 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 her New Jersey CDS registration pursuant to N.J.S.A. 24:21-12 (a)(2) thru (a)(4); and (B) Requiring that any future application by Respondent to the Director for a CDS registration be issued only after she 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;

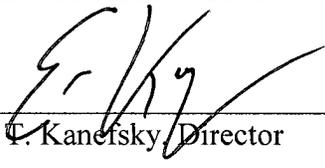
2. That a copy of this Order be served upon Respondent or her attorney forthwith;

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 her 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 her New Jersey CDS Registration.

NEW JERSEY DIVISION OF CONSUMER AFFAIRS

By: \_\_\_\_\_

  
Eric T. Kanefsky, Director