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DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

JUN 30 1994

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BOARD OF PHARMACY

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHARMACY
DOCKET NO.

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :
: IRVING FANG, R.P. :
: :
: TO PRACTICE PHARMACY IN THE :
STATE OF NEW JERSEY : *RI 15754* :

Administrative Action
CONSENT ORDER

This matter was opened to the New Jersey State Board of Pharmacy upon the receipt of information that Irving Fang entered a plea of guilty in the Superior Court of New Jersey, Criminal Division, Camden County, to one count of Theft by Deception in violation of N.J.S.A. 2C:20-4, one count of Medicaid Fraud in violation of N.J.S.A. 30:40-17, and one count of Misapplication of Entrusted Property in violation of N.J.S.A. 2C:21-15.

It appearing that respondent acknowledges the above-described conviction and further acknowledges that the conviction constitutes a crime of moral turpitude and a crime that relates adversely to the profession of pharmacy, and the parties being desirous of resolving this matter without the necessity of further formal proceedings, and all parties having agreed to the

terms and entry of the within Order, and for good cause shown,

IT IS THEREFORE, ON THIS 29th DAY OF June 1994,

ORDERED AND AGREED THAT:

1. Respondent Irving Fang shall be suspended for a period of five (5) years from the practice of pharmacy in the State of New Jersey, effective with the entry of the within Order.

2. Respondent shall surrender his original certificate and license renewal to the Office of the New Jersey State Board of Pharmacy, 124 Halsey Street, 6th Floor, Newark, New Jersey 07101, contemporaneously with the entry of the within Order.

3. Respondent Irving Fang shall not engage in the practice of pharmacy in the State of New Jersey in any manner or form, including but not limited to the following: he shall not be present in the prescription area of any pharmacy; he shall not handle, order, inventory, compound, count, fill, refill or dispense any drug; he shall not engage in the acceptance of any prescription in person or by telephone; he shall not engage in the verification of refill authorization by telephone; he shall not advise or consult with any person concerning the properties and actions of drugs; he shall not handle or dispense prescriptions; he shall not type labels for prescriptions or enter information on profile cards;

4. Respondent shall take no steps to renew his license until five (5) years from the entry of the within Order. At the time of reapplication, the burden shall be on respondent to appear and present proof to the Board's satisfaction that he is

fit and competent to re-enter pharmacy practice.

5. At the completion of the term of probation in the criminal matter, respondent may request an appearance before the Board for reconsideration of the five year provision set forth in paragraph 4 of the within Order. Notwithstanding the above, respondent shall not be entitled to a plenary hearing in the matter of the modification of this Order.

6. No later than June 30, 1994, the respondent shall divest himself of all interest which he presently holds in Glen Oaks Pharmacy and Adam's Apple Drugs. That divestiture may be to his wife, Linda Kaufman Fang, (who presently holds an ownership interest), but such transfer of interest in no way supercedes the effect of paragraph 3 of the within Order, and respondent shall be precluded from participating in any and all ways in the operation of Glen Oaks Pharmacy and Adam's Apple Drugs. Respondent's authority to hold a permit to operate a pharmacy in the State of New Jersey is thereby revoked.

7. Respondent Irving Fang shall pay a \$10,000 civil penalty to the Board of Pharmacy by certified check or money order within thirty (30) days of the entry of this Order.

STATE BOARD OF PHARMACY

By: Edith Tortora Micale R.P.
Edith Tortora Micale, R.P.
President

I have read the within Order
and I understand its terms.
I consent to its entry by the
New Jersey State Board of Pharmacy.

Irving Fang, R.P.