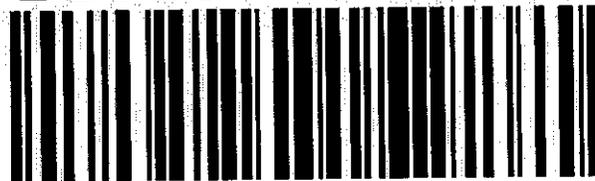


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summary of Discipline
7/22/1998
keywords
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author Lyann Hope
expiration_date 7/22/2063

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JUL 22 1998

PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

BOARD OF PHARMACY

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

IN THE MATTER OF:	:	
	:	Administrative Action
JOSEPH JOHN LEONE, R.P.	:	
	:	PROVISIONAL ORDER OF
LICENSED TO PRACTICE PHARMACY	:	DISCIPLINE
IN THE STATE OF NEW JERSEY	:	
	:	
<i>RI 16958</i>	:	

This matter was opened to the Board on information received which the Board has reviewed and on which the following findings are made:

FINDINGS OF FACT

1. Respondent has been an applicant or a licensee of the Board at all times relevant hereto.
2. Pursuant to Grand Jury Indictment No. 15467/95, filed in Supreme Court, County of Kings, State of New York, Respondent was charged with two (2) counts of Grand Larceny in the Second Degree, a class C felony, in violation of Section 155.40 of the Penal Law of the State of New York, and with twenty (20) counts of Offering A False Instrument for Filing in the First Degree, a class E felony, in violation of Section 175.35 of the Penal Law of the State of New York

3. The aforesaid Indictment alleged that between on or about June 23, 1990 and on or about January 27, 1995, Respondent, whole a provider of pharmacy services enrolled in the New York State Medical Assistance (Medicaid) Program, with the intent to deprive another of property and to appropriate same to himself and another, wrongfully took, obtained and withheld property valued in excess of fifty thousand dollars (\$50,000) from an owner thereof in that Respondent submitted and caused to be submitted to Computer Sciences Corporation, a fiscal agent of the State of New York, claims for payment for refills of prescription medications, knowing that no such refills had been dispensed to any patient. The State of New York, in reliance upon these false representations, paid Respondent over \$50,000 to which Respondent was not entitled.

4. The aforesaid Indictment further alleged that between on or about October 7, 1992 and on or about November 22, 1992, Respondent, a high managerial agent of two separate pharmacies, both providers of pharmacy services, knowing that a written instrument contained false statements and false information, and with intent to defraud the State of New York, submitted and caused to be submitted to Computer Science Corp., a fiscal agent of the State of New York, invoices which falsely represented that Respondent had provided prescription medications to Medicaid recipients on certain dates, whereas, in truth and in fact, Respondent knew that no said prescriptions had been provided to the patients on the indicated dates.

5. On or about September 11, 1996, in Supreme Court, County of Kings, State of New York, Respondent pleaded guilty to all counts in the aforesaid Indictment.

CONCLUSIONS OF LAW

Respondent's action as set forth herein establishes that respondent has been convicted of crimes involving moral turpitude and crimes that reflect adversely on the practice of pharmacy and provides grounds for discipline pursuant to N.J.S.A. 45:1-21(f).

IT IS THEREFORE, ON THIS *22nd* DAY OF *July* 1998,
ORDERED THAT:

1. The license of Joseph John Leone, R.P. to practice pharmacy in the State of New Jersey is hereby revoked.

2. The within Order shall be subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry hereof unless respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

(a) submitting a written request for modification or dismissal to H. Lee Gladstein, Executive Director, State Board of Pharmacy, 124 Halsey Street, 6th Floor, Newark, New Jersey 07102.

(b) setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

(c) submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

3. In the event that respondent's submissions establish a need for further proceedings, including, but not limited to, an evidentiary hearing is ordered, the preliminary findings of fact

and conclusions of law contained herein shall serve as notice of the factual and legal allegations in such proceeding.

NEW JERSEY STATE BOARD OF PHARMACY

By: Michèle P. Gerbino, R.P.
Michèle Gerbino, R.P., President
State Board of Pharmacy