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FILED

JAN 14 2000

BOARD OF PHARMACY

By: Marianne W. Greenwald  
Deputy Attorney General  
Tel. (973) 648-4738

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

\_\_\_\_\_  
IN THE MATTER OF THE SUSPENSION :  
OR REVOCATION OF THE LICENSE OF : Administrative Action  
 :  
NITIN KHANDWALA, R.P. :  
 :  
 : PROVISIONAL ORDER  
TO PRACTICE PHARMACY IN THE : OF DISCIPLINE  
STATE OF NEW JERSEY :  
 :  
 :  
\_\_\_\_\_ :

This matter was opened to the New Jersey State Board of Pharmacy upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a pharmacist in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On November 5, 1999 respondent was convicted of the crime of Medicaid Fraud. Specifically, respondent falsely represented on a medical supplier invoice that a quantity of a pharmaceutical items had been purchased, knowing that the fraudulent invoice was

being used to support claims for dispensing payments from Medicaid when in fact the dispensings had not occurred.

3. The following sentence was ordered; probation for a period of five years, 500 hours community service and restitution of \$10,000. Further, respondent has been disqualified from participation in the Medicaid and Medicare programs for 8 years.

CONCLUSIONS OF LAW

1. The above conviction provides grounds for the suspension of his license to practice pharmacy in New Jersey pursuant to N.J.S.A.45:1-21(f) in that the crime of which respondent was convicted is one of moral turpitude and/or relates adversely to the practice of pharmacy.

ACCORDINGLY, IT IS ON THIS 27<sup>th</sup> DAY OF December 1999,

ORDERED THAT:

1. Respondent's license to practice pharmacy in the State of New Jersey be and hereby is 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.

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. Any submissions will be reviewed by the Board, and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through the submission by respondent during the thirty-day period, or if the Board is not persuaded that submitted materials merit further consideration or mitigation of the penalties set forth herein, a Final Order of Discipline will be entered.

4. In the event that respondent's submissions establish a need for further proceedings, including, but not limited to, an evidentiary hearing, respondent 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: Richard A. Palumbo R.P.  
Richard A. Palumbo, R.P.  
Board President

State of New Jersey

v.

Nitin Khandwala



New Jersey Superior Court  
Law Division - Criminal

DEFENDANT:  
(Specify Complete Name)

DATE OF BIRTH 8/24/51	SBI NUMBER unk
DATE OF ARREST N/A	DATE INDICTMENT/ ACCUSATION FILED 9/21/99
DATE OF ORIGINAL PLEA 9/21/99	ORIGINAL PLEA <input checked="" type="checkbox"/> NOT GUILTY <input type="checkbox"/> GUILTY

- JUDGMENT OF CONVICTION
- CHANGE OF JUDGMENT
- ORDER FOR COMMITMENT
- INDICTMENT / ACCUSATION DISMISSED
- JUDGMENT OF ACQUITTAL

ADJUDICATION BY

- GUILTY PLEA
- JURY TRIAL

DATE: 9/21/99

- NON-JURY TRIAL DATE:
- Dismissed/Acquitted DATE:

ORIGINAL CHARGES

IND / ACC NO.	COUNT	DESCRIPTION	DEGREE	STATUTE
SGJ 99-09-322 99-1278		Medicaid Fraud	3rd	30:4D-3(h)

FINAL CHARGES

COUNT	DESCRIPTION	DEGREE	STATUTE
	Same as above		

It is, therefore, on 11/5/99 ORDERED and ADJUDGED that the defendant is sentenced as follows:  
Probation for a period of five years. Conditioned upon 500 hours of community service. Probation is to be transferred to Essex County for Supervision. All fines and penalties are to be paid no later than November 12, 1999.

- You are hereby sentenced to community supervision for life.
- The court finds that your conduct was characterized by a pattern of repetitive and compulsive behavior.

It is further ORDERED that the sheriff deliver the defendant to the appropriate correctional authority.

Defendant is to receive credit for time spent in custody (R. 3:21-8).

TOTAL NUMBER OF DAYS	DATE (From/Tot)
	DATE (From/Tot)

Defendant is to receive gap time credit for time spent in custody (N.J.S.A. 2C:44-5b(2)).

TOTAL NUMBER OF DAYS	DATE (From/Tot)
	DATE (From/Tot)

Total Custodial Term \_\_\_\_\_ Institution \_\_\_\_\_ Total Probation Term 5 yrs.



determining the rights to payment under the New Jersey Medical Assistance and Health Services Act, N.J.S.A. 30:4D-1 et seq., in that the said, NITIN KHANDWALA, a Registered Pharmacist licensed by the State of New Jersey, knowingly and willfully falsified or caused to be falsified information on an invoice issued by a medical supplier, stating that a quantity of Serostim, a pharmaceutical item reimbursable under the Medicaid program, had been purchased by Elizabeth Community Pharmacy, Inc. d/b/a Community Pharmacy, knowing that such information would be used to support claims for payments previously made to Community Pharmacy, a Medicaid provider pursuant to N.J.S.A. 30:4D-3(h), for Serostim which was not dispensed.

WHEREAS, in truth and in fact, as NITIN KHANDWALA well knew, the information on the invoice was false in that no Serostim had been purchased by Community Pharmacy from the medical supplier contrary to the provisions of N.J.S.A. 30:4D-17(b), and against the peace of this State, the government and dignity of the same.

Respectfully submitted,

JOHN J. FARMER, JR.  
ATTORNEY GENERAL OF NEW JERSEY

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Joseph Rosenberg  
Deputy Attorney General  
Medicaid Fraud Section