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CERTIFIED TRUE COPY

**FILED**

**DEC 2 2003**

**BOARD OF PHARMACY**

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

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IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	Administrative Action
	:	
<b>MATTHEW FAENZA, R.P.</b>	:	<b>PROVISIONAL ORDER</b>
	:	<b>OF DISCIPLINE</b>
	:	
TO PRACTICE PHARMACY IN THE	:	
STATE OF NEW JERSEY	:	

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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 October 17, 2003 respondent was convicted of one count of second degree Health Care Claims Fraud in Superior Court of New Jersey, Passaic County. Specifically, Matthew Faenza did

submit bills to and receive payments from Medicaid in excess of \$450,000 knowing he was not entitled to those payments. (A copy of the Judgement of Conviction is annexed hereto and made a part hereof.)

3. Respondent was sentenced to a three (3) year term of incarceration, ordered to make restitution of \$450,000 and suspension of his pharmacy license for one year.

#### CONCLUSIONS OF LAW

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

ACCORDINGLY, IT IS on this 1<sup>st</sup> day of DECEMBER, 2003,

ORDERED that:

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

2. Prior to resuming active practice in New Jersey, respondent shall be required to appear before the Board (or a committee thereof) to demonstrate fitness to resume practice. Any practice in this State prior to formal reinstatement of license by the Board shall constitute grounds for a charge of unlicensed practice. In addition, the Board reserves the right to place

restrictions on respondent's practice should his license be reinstated.

3. The within Order shall be subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following its filing 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 Joanne Boyer, Executive Director, State Board of Pharmacy, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

(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 or in mitigation of the penalty proposed.

4. 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 the submitted materials merit further consideration, a Final Order of Discipline will be entered.

5. In the event that respondent's submissions establish a need for further proceedings, including, but not limited to, an evidentiary hearing, respondent shall be notified with regard thereto. In the event that 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. Furthermore, in the event a hearing is held and/or upon further review of the record, the Board shall not be limited to the findings, conclusions and sanctions contained herein.

NEW JERSEY STATE BOARD OF PHARMACY

By: Edward G. McGinley  
Edward G. McGinley  
Board President