

FILED

JAN 14 2004

BOARD OF PHARMACY

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

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

KWADWO AGYEMANG, R.P.

TO PRACTICE PHARMACY IN THE
STATE OF NEW JERSEY

:
: Administrative Action
:
: **FINAL ORDER**
: **OF DISCIPLINE**
:
:
:
:
:

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 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 December 2, 2003 respondent was convicted of one count of third degree Health Care Claims Fraud in Superior Court of New Jersey, Essex County. Specifically, Kwadwo Agyemang did submit bills to and receive payments from Medicaid in excess of \$27,000

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 two (2) years probation, fines of \$150, and 50 hours of community service.

4. Respondent ceased practicing pharmacy in New Jersey on August 23, 2003.

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 of which respondent has been convicted is one of moral turpitude and/or relates adversely to the practice of pharmacy.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending respondent's license to practice pharmacy in the State of New Jersey was entered on December 2, 2003 and a copy served on respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons

therefor. The respondent submitted a letter from counsel, Pamela Mandel, stating respondent's willingness to accept the Final Order if: the Order was effective from the date respondent ceased the practice of pharmacy; and the Findings of Fact included the date respondent ceased practice. The Board opined that if respondent had surrendered his license on August 23, 2003, that would indeed have been the effective date and no provisional order would have been necessary for Board consideration. The Board did, however, agree to note in the Findings of Fact that respondent ceased the practice of pharmacy in New Jersey on August 23, 2003.

Respondent's submissions were reviewed by the Board, and the Board determined that further proceedings were not necessary and that no material discrepancies had been raised, as respondent did not dispute the Findings of Fact or Conclusions of Law.

ACCORDINGLY, IT IS on this 14th day of JANUARY, 2004,

ORDERED that:

1. Respondent's license to practice pharmacy in the State of New Jersey be and hereby is revoked. Respondent shall cease and desist from engaging in the practice of pharmacy including the following: respondent shall not handle, order, inventory, compound, count, fill, refill or dispense any drug; he shall not handle anything requiring a prescription including devices and medications; he shall not handle prescriptions; he shall not advise or consult with patients, and he is prohibited

from being present within a prescription filling area of a pharmacy.

2. Prior to resuming active practice in New Jersey, respondent shall be required to appear before the Board (or a committee thereof) to demonstrate his fitness to resume practice. Any violation of paragraph one 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.

NEW JERSEY STATE BOARD OF PHARMACY

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