

**FILED**

FEB 18 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

MATTHEW FAENZA, 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 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.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline revoking respondent's license to practice pharmacy in the State of New Jersey was entered on December 2, 2003 and a copy was forwarded to respondent's last known address by means of both regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> 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.

Although the record reflects that the Provisional Order was served upon respondent by certified mail, signed for respondent who was incarcerated at Passaic County Jail, no response has been received to date. Accordingly, the Board considered the matter, determined that further proceedings were not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 12<sup>th</sup> day of FEBRUARY, 2004,

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.

NEW JERSEY STATE BOARD OF PHARMACY

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