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FEB 18 2004

BOARD OF PHARMACY

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

IN THE MATTER OF THE SUSPENSION	:	Administrative Action
OR REVOCATION OF THE LICENSE OF	:	
	:	
	:	FINAL ORDER
MICHAEL STAVITSKI	:	OF DISCIPLINE
	:	
TO PRACTICE PHARMACY IN THE	:	
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 findings of fact and conclusions of law are made;

FINDINGS OF FACT

1. Respondent Stavitski was a pharmacist in the State of New Jersey and had been a licensee at all times relevant hereto. His license was revoked by Final Order of the Board, filed March 14, 2002.

2. On November 10, 2003 respondent pled guilty to the second degree crimes of Health Care Claims Fraud in New Jersey Superior Court, Monmouth County. Specifically, from January 2001 through August 2001, respondent admitted to knowingly submitting

fraudulent health care claims to Medicaid and released all claims to \$1,110,535.20 controlled by the State.

3. Sentencing will occur on February 13, 2004.

CONCLUSIONS OF LAW

The above pleas of guilt provide grounds for the revocation of his right to reinstate his license to practice pharmacy in New Jersey pursuant to N.J.S.A. 45:1-21(f) in that the crimes of which respondent has pled guilty to are ones of moral turpitude and relate 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 December 12, 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 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.

Although the record reflects that the Provisional Order was served upon respondent, no response has been received to date. Accordingly, the board considered the matter and determined that further proceedings were not necessary and the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 12th day of FEBRUARY, 2004,

ORDERED that:

1. Respondent's right to reinstate his license to practice pharmacy in the State of New Jersey shall be and hereby is revoked with prejudice to reinstatement.

NEW JERSEY STATE BOARD OF PHARMACY

By: Edward G. McGinley RPH
Edward G. McGinley, President