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PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY
Division of Law - 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101

FILED

JUL 06 2005

BOARD OF PHARMACY

By: Marianne W. Greenwald
Deputy Attorney General
Tel. No. (973)648-4876

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	:	
	:	CONSENT ORDER
RICHARD DiGIOVANNI, R.P.	:	
	:	
TO PRACTICE PHARMACY IN THE	:	
STATE OF NEW JERSEY	:	
	:	
	:	

This matter was originally opened to the New Jersey State Board of Pharmacy by receipt of information that respondent had been convicted of One Count of Conspiracy to commit theft in excess of \$500.00, to wit; respondent diverted Oxycontin, a Schedule II Controlled Dangerous Substance from his workplace, Happy Harry's, a pharmacy in Chestertown, Maryland, from June of 2002 to August of 2004. On March 11, 2005 respondent was sentenced to eight (8) years incarceration, seven (7) of which were stayed, one (1) year to be served as home detention, and thereafter five (5) years supervised probation. Respondent is to pay restitution of

\$58,965.00 to Happy Harry's and complete 300 hours of community service within three (3) years of the start of criminal probation.

The Board finding that this Order is protective of the public's safety, health and welfare and respondent agrees to waive his right to a hearing to resolve this matter without further proceedings;

IT IS THEREFORE on this 5th day of July, 2005,

ORDERED AND AGREED, that the license of Richard DiGiovanni, R.P. to practice pharmacy in the State of New Jersey is hereby revoked with prejudice to requesting reinstatement for four (4) years from the entry of this Order or upon completion of the criminal probation, whichever occurs later.

ORDERED AND AGREED, Respondent shall, immediately 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; shall not handle anything requiring a prescription including devices and medications; he shall not handle prescriptions; he shall not advise or consult with any patient, and he is prohibited from being present within a prescription filling area of a pharmacy, and it is further

ORDERED AND AGREED, Respondent shall at the time of execution of the within Order surrender his original wall certificate, his wallet certificate, and his most recent renewal

card of his license to an authorized representative of the Board,
and it is further

ORDERED AND AGREED, Upon application for reinstatement,
respondent shall appear before the Board or a committee upon
request and submit documentation satisfactory to the Board
inclusive of, but not limited, to weekly, random, witnessed urine
screens, complete treatment records of all diagnostic and
rehabilitative therapy and an in-depth, current evaluation from a
Board approved psychiatrist or psychologist upon any such
application, the burden shall be upon respondent to demonstrate
that he is fit and competent to practice pharmacy; and it is
further

ORDERED AND AGREED, nothing herein shall preclude the
Board from taking any additional action in this matter permitted by
law.

NEW JERSEY STATE BOARD OF PHARMACY

By: *Pamela Allen, RPh*
Pamela Allen, R.P.,
President

I have read the within Order
and understand its terms. I
agree to be bound by its terms
and hereby consent to it being
entered by the New Jersey Board
of Pharmacy.

[Signature]
Richard DiGiovanni, R.P.