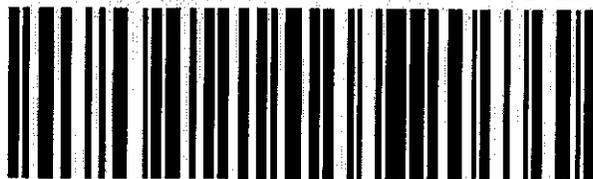


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location Collection-389  
Final Order of  
summary Discipline  
11/10/2005  
keywords  
dsclass Document  
description  
author Lyann Hope  
expiration\_date 11/10/2070

**FILED**

NOV 10 2005

**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

**DANIEL SHACK, R.P.**  
License No. 28RI01681500

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 May 19, 2005 respondent entered a guilty plea to a one count Information which charged Conspiracy to Defraud the United States, to unlawfully buy and sell prescription drug samples, and to misbrand prescription drugs in violation of 18 U.S.C. § 371, in the United States District Court, District of New Jersey. Specifically, respondent, from July 2000 through June 2003, purchased prescription drug samples from a co-conspirator for

\$100 to \$500 for drug samples that would then be sold to the general public.

**CONCLUSIONS OF LAW**

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

2. Based on the foregoing findings and conclusions, a Provisional Order of Discipline provisionally revoking respondent's license to practice pharmacy in the State of New Jersey was entered on July 27, 2005 and a copy served on respondent. 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. The respondent submitted a letter response from Pamela Mandel, Esq.

Respondent's submission provides that during the period July 2000 through June 2003 respondent purchased samples for resale to his patients for a total of less than \$500 during the entire period and therefore the penalty should be less severe. The Board

finds that, in fact, respondent was charged with purchasing samples on numerous occasions and on each occasion for \$100 to \$500. However, the overt act included in the Information was that on July 27, 2001, alone, respondent purchased samples for \$500.00. The Board, however, has considered that respondent has no other disciplinary actions as a matter of record in New Jersey and was convicted of one Count to Defraud and therefore has modified the Final Order accordingly.

**IT IS THEREFORE** on this <sup>th</sup> 9 day of November, 2005,

**ORDERED that:**

1. Respondent's license to practice pharmacy in the State of New Jersey be and hereby is revoked with no right to request reinstatement prior to the completion of criminal probation or supervised release.
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 do so, and any practice in this State prior to said appearance 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. Pending further order of the Board, 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; 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 any pharmacy.

4. Pending further order of the Board respondent shall by 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.

NEW JERSEY STATE BOARD OF PHARMACY

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

Date 11/9/05