

FILED

AUG 09 2007

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

DILIP G. NAIK, R.P.

TO PRACTICE PHARMACY IN THE
STATE OF NEW JERSEY

:
: Administrative Action
:
: **PROVISIONAL ORDER**
: **OF DISCIPLINE**
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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 preliminary findings of fact and conclusions of law are made;

FINDINGS OF FACT

1. Respondent is a licensed pharmacist in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On October 3, 2005 respondent was the subject of a judgment filed in the United States District Court, District of New Jersey. Specifically, respondent was convicted of one (1) count of Unlawful Distribution of Prescription Drugs, in violation of 21 U.S.C. § 331. Respondent was sentenced to probation for a term of three years.

CONCLUSIONS OF LAW

The above judgment provides grounds for the suspension or revocation of respondent's license to practice pharmacy in the State of New Jersey pursuant to N.J.S.A. 45:1-21(f) in that the conviction is one of moral turpitude and/or reflects adversely on the practice of pharmacy.

ACCORDINGLY, IT IS on this 3RD day of August, 2007,

ORDERED that:

1. Respondent's license to practice pharmacy in the State of New Jersey be and hereby is suspended for the duration of the criminal probation. Respondent shall appear before the Board prior to reinstatement to demonstrate his fitness to resume practice and that he has satisfactorily completed the criminal probation.

2. The within Order shall be subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry hereof unless respondent requests a modification or dismissal of the above stated Findings of Fact or conclusions of Law by:

(a) Submitting a written request for modification or dismissal to, Joanne Boyer, Executive Director, State Board of Pharmacy, 124 Halsey Street Sixth Floor, Newark, New Jersey 07101.

(b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

(c) Submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

3. Any submissions will be reviewed by the Board, and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through the submission by respondent during the thirty-day period, or if the Board is not persuaded that submitted materials merit further consideration or mitigation of the penalties set forth herein, a Final Order of Discipline will be entered.

4. In the event that respondent's submissions establish a need for further proceedings, including, but not limited to, an evidentiary hearing, respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein shall serve as notice of the factual and legal allegations in such proceeding. However, the Board shall not be limited to the sanctions herein and may seek to recoup costs to the State.

NEW JERSEY STATE BOARD OF PHARMACY

By: Edward G. McGinley RPh
Edward G. McGinley, R.Ph.
President