

FILED

OCT 25 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.
#16249

TO PRACTICE PHARMACY IN THE
STATE OF NEW JERSEY

:
: Administrative Action
:
: **FINAL ORDER**
: **OF DISCIPLINE**
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:
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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.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending respondent's license to practice pharmacy in the State of New Jersey was entered on August 9, 2007 and a copy was forwarded to respondent at the last known address on file with the Board. 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.

The respondent submitted a request for modification of the Provisional Order to be a reprimand rather than an active suspension for the remainder of the criminal probation.

Respondent's submissions were reviewed by the Board, and the Board determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was

not persuaded that the submitted materials merited further consideration, as respondent did not dispute the Findings of Fact or conclusions of Law. Moreover, the Board noted that the Court had included in the term of probation a provision whereby respondent shall not practice pharmacy. Therefore, the Board would only consider termination of the suspension should respondent receive from the Court an earlier date of termination of the probation.

ACCORDINGLY, IT IS on this 24th day of *OCTOBER*, 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.

2. Prior to resuming active practice in New Jersey respondent shall be required to appear before the Board prior to demonstrate his fitness to do so, and any practice in this State prior to said appearance shall constitute grounds for the 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
Edward G. McGinley, R.Ph.
President