

FILED

APR 23 2008

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
OR REVOCATION OF THE LICENSE OF

Anthony Ortiz, RP
Licence No. 28RI01603300

TO PRACTICE PHARMACY IN THE
STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Pharmacy upon receipt of information that on or about July 26, 2007 during an inspection of Atlas Drugs conducted by investigators from the Board of Pharmacy, Anthony Ortiz, RP ("respondent") attempted to mislead investigators. Specifically, investigators observed Respondent removing medications from a

non-permitted location across the street from the pharmacy with an open bottle of androstenediol (a schedule III CDS) in his pocket. When investigators questioned respondent regarding these actions, respondent explained that he was temporarily storing certain compounding medications and providing some counseling services in the non-permitted location until renovations were made at the pharmacy. When he was unable to identify a valid prescription for the androstenediol, Respondent claimed that the bottle of androstenediol was for himself and he had been using it for approximately one month without a valid prescription.

Immediately following the date of the inspection, respondent sent a letter to the Board explaining that he panicked due to the stress of the inspection and, when he realized he couldn't account for a lack of a documented prescription, he misled the investigators to believe that he was using the medication for himself. Respondent apologized for not telling the truth to the investigators and explained that a valid prescription for the androstenediol was listed in the computer under the formula Andro Drops.

Respondent appeared and testified before the Board on February 13, 2008, at which time he expressed further remorse for his actions and confirmed that the bottle of androstenediol had been opened to fill a valid prescription and that he had not taken the androstenediol himself. Respondent also testified that

he no longer holds the lease for the non permitted location across from the pharmacy. Renovations on the pharmacy have been completed and all medications are now stored on the pharmacy premises and all counseling is done in the pharmacy itself.

The parties, having agreed to the resolution of this matter without further formal proceedings, and Respondent having agreed and given his voluntary consent to the within Order, and the Board finding the within disposition adequately protective of the public health, safety and welfare, and other good cause having been shown,

IT IS THEREFORE on this 23RD day of APRIL, 2008,

ORDERED AND AGREED that Respondent is hereby reprimanded for engaging in unprofessional conduct in violation of N.J.S.A. 45:1-21(e), and it is further

ORDERED AND AGREED that respondent shall pay a civil penalty in the amount of \$1,000 to be remitted contemporaneously with his submission of this Order. The Board reserves the right to file a certificate of debt in the event payment in full is not received.

ORDERED AND AGREED that respondent shall take and successfully complete, at his own expense, either the ProBe or Prime ethics course. Successful completion means that all sessions were attended, all assignments were properly and

appropriately completed, and a passing grade was achieved which was unconditional and without reservations. Respondent shall submit to the Board verification of the successful completion of said course within six (6) months hereof.

NEW JERSEY STATE BOARD OF PHARMACY

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

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

Anthony Ortiz
Anthony Ortiz, R.P.

Consent as to form and entry:

Angelo Cifaldi
Angelo Cifaldi, Esq.