

ANNE MILGRAM  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street, 5<sup>th</sup> Floor  
P.O. Box 45029  
Newark, New Jersey 07101  
Attorney for the Board of Pharmacy

**FILED**

MAR 11 2009

**BOARD OF PHARMACY**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC AFFAIRS  
DIVISION OF CONSUMER AFFAIRS  
NEW JERSEY STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION :  
OR REVOCATION OF THE LICENSE OF : ADMINISTRATIVE ACTION  
:  
Chukwuemeka Obidike R.P. : FINAL ORDER OF  
License No. 28R103063800 : DISCIPLINE  
:  
TO PRACTICE PHARMACY IN THE :  
STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Pharmacy (the "Board") 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, Chukwuemeka Obidike ("Respondent") is a pharmacist in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On or about September 12, 2006, pursuant to an investigation by the Montgomery County Police, Respondent was arrested and charged with fifty-five (55) counts

relating to obtaining prescription drugs by fraud in the County of Montgomery, State of Maryland. On or about November 17, 2006, before the District Court of Montgomery County, Maryland, Respondent plead guilty to two (2) charges of obtaining prescriptions of controlled dangerous substances by fraud. On or about December 22, 2006, Respondent again pled guilty to the same charges before the Circuit Court of Montgomery County, Maryland, admitting that on or about August 18, 2006, Respondent had fraudulently obtained Zoloft and Hydrocodone APAP 10/325.

3. On or about December 12, 2006, Respondent submitted a renewal application for licensure in the District of Columbia and represented that he had never been arrested or convicted of a crime since his last renewal. As a result of the false information, respondent's license to practice pharmacy in the District of Columbia was renewed.

4. On or about February 8, 2007, Respondent's license to practice pharmacy in the District of Columbia was suspended by the Department of Health, Government of the District of Columbia, based upon evidence that the Respondent had been convicted or disciplined for conduct that would be grounds for disciplinary action under D.C. Official Code §§ 3-1205.14(a)(3)(2001), 3-1205.14(a)

(4) (2001), and 3-1205.14(a) (26) (2001) and that presents an imminent danger to the health and safety of the residents of the District of Columbia, that Respondent fraudulently or deceptively obtained a license in violation of D.C. Official Code § 3-1205.14(a) (1) (2001), and that Respondent filed a statement with the Board of the Department of Health, District of Columbia, that Respondent knew or should have known was false or misleading in violation of D.C. Official Code § 3-1210.04(2001).

5. On or about November 29, 2007 Respondent's license to practice pharmacy was suspended by the Department of Health Professions, State of Virginia, based upon evidence that respondent's license to practice pharmacy in the District of Columbia was suspended on February 8, 2007.

#### CONCLUSIONS OF LAW

1. The above disciplinary actions taken by the sister states of Virginia and by the District of Columbia provides grounds to take disciplinary action against Respondent's license to practice pharmacy in New Jersey pursuant to N.J.S.A. 45:1-21(g), in that Respondent has had his authority to engage in the activity regulated by the Board suspended by another state or district for reasons consistent with N.J.S.A. 45:1-21.

2. The above criminal convictions in the District of Columbia provide grounds to take disciplinary action against Respondent's license to practice pharmacy in the State of New Jersey pursuant to N.J.S.A. 45:1-21(f) and N.J.A.C. 13:39-2.5, in the Respondent has been convicted of a crime of moral turpitude relating adversely to the practice of pharmacy and involving controlled substances.

#### **DISCUSSION**

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered by this Board on December 29, 2008 provisionally suspending the Respondent's license to practice as a Pharmacist in the State of New Jersey until such time as his Virginia and District of Columbia pharmacy licenses are reinstated without condition. The Provisional Order of Discipline was sent to Respondent's address of record via certified and regular mail. The Provisional Order of Discipline clearly stated that it 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 certified mail was returned marked "unclaimed" and the regular mail has not been returned by the post office as "undeliverable." The Board deems service to have been

effected. Accordingly, it is determined that further proceedings are not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 11<sup>th</sup> day of MARCH, 2009

**ORDERED that:**

1. Respondent's License #R103063800 to practice pharmacy in the State of New Jersey be and hereby is provisionally suspended until such time as Respondent's Virginia and District of Columbia pharmacy licenses are reinstated without conditions.

2. Respondent shall refrain from engaging in the practice of pharmacy until such time as his license is reinstated with no restrictions. Prior to resuming active practice in New Jersey Respondent shall be required to appear before the Board or a committee thereof to demonstrate fitness to resume practice. Any practice in this State prior to said appearance and reinstatement 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