

FILED

MAY 28 2009

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	:	Administrative Action
OR REVOCATION OF THE LICENSE OF	:	
	:	FINAL ORDER
Aiad Saman, R.P.	:	OF DISCIPLINE
License No.: RI 23228	:	
	:	
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, Aiad Saman ("Respondent") is a pharmacist in the State of New Jersey and has been a licensee at all times relevant hereto.
2. On June 5, 2008, 2008, respondent plead guilty in the Superior Court of New Jersey, Essex County, to one (1) count of Fencing in the second degree in violation of N.J.S.A. 2C: 20-7.1 and one (1) count of Perjury in the third degree in violation of N.J.S.A. 2C:28.1.

Specifically, between on or about August 22, 2002 and on or about October 26, 2004, respondent did knowingly traffic in, initiate, organize, plan, finance, direct, manage or supervise the trafficking of stolen prescription medications including Sustiva, Viread, Epivir, Kaletra and others with a total value in excess of \$75,000. Additionally, on February 9, 2005, in an official proceeding, in the matter of the State Grand Jury investigation, respondent knowingly made false material statements under oath in that he stated that he did not see any baggies of pills at Ojah Pharmacy and that he did not see anyone filling bottles of medication with pills at Ojah Pharmacy when he knew these statements were false.

3. On August 25, 2008, respondent was sentenced to a five year term of custody with the Commissioner of the Department of Corrections.

CONCLUSIONS OF LAW

The above criminal convictions provide grounds for discipline, including the revocation or suspension of respondent's license to practice pharmacy in the State of New Jersey pursuant to N.J.S.A. 45:1-21(b) in that he has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense; N.J.S.A. 45:1-21 (e) in that he has engaged in professional or occupational misconduct; and N.J.S.A. 45:1-21 (f) in that the crimes of which respondent was convicted are crimes of moral turpitude and/or relate adversely to the practice of pharmacy.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending Respondent's certification to practice as a pharmacist in the State of New Jersey was entered on March 11, 2009 and a copy was forwarded to Respondent's address of record by means of both regular and certified mail. 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 certified mail was returned marked "unclaimed" and the regular mail was not returned. The Provisional Order of Discipline was also mailed via regular mail to Respondent attorney of record. The Board deems service to have been effected. To date, Respondent has not submitted a response to the Provisional Order of Discipline. Accordingly the Board considered the matter, determined that further proceedings were not necessary and the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 27th day of MAY, 2009
ORDERED that:

1. Respondent's license to practice pharmacy in the State of New Jersey be and hereby is suspended for a minimum period of five years, or until he has successfully completed all terms of his criminal sentence, whichever is later.
2. Upon the filing of a Final Order of Discipline in this matter, Respondent shall immediately 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; he shall not handle anything requiring a prescription including devices and medications; he shall not handle prescriptions; he shall not advise or consult with patients, and he is prohibited from being present within a prescription filling area of a pharmacy.
3. Within five days following the Final Order of Discipline in this matter, Respondent shall surrender his original wall certificate, his wallet certificate, and the most recent

renewal card of his license to an authorized representative of the Board or mail these items to:
Executive Director Joanne Boyer, New Jersey Board of Pharmacy, P.O. Box 45013, Newark,
New Jersey 07101.

4. Prior to reinstatement of his license, respondent shall:
 - a. Appear before the Board or a committee thereof to discuss his readiness to reenter the practice of pharmacy. At that time respondent shall be prepared to propose his plans for future practice in New Jersey. Any practice in this State prior to said appearance and reinstatement shall constitute grounds for the charge of unlicensed practice.
 - b. Provide documentation of his successful completion of the NAPLEX licensing examination with a score of 75 or better.
 - c. Provide documentation of his successful completion of the Multi-state Pharmacy Jurisprudence Examination (MPJE) with a score of 75 or better.
 - e. Provide documentation of all continuing education credits required by N.J.A.C. 13:39-3A.1- 13:39-3A.7.
 - f. Provide documentation of successful completion of all application requirements including a Criminal History Background Check and payment of all reinstatement fees
 - f. Provide documentation of his successful completion, at his own expense, of 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.
5. Upon reinstatement of respondent's license to practice pharmacy, the Board, in its discretion, may impose any conditions or restrictions on licensure it deems necessary to protect the public health, safety and welfare.

NEW JERSEY STATE BOARD OF PHARMACY

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