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**NOV 19 2009**

**BOARD OF PHARMACY**

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

IN THE MATTER OF THE SUSPENSION :  
OR REVOCATION OF THE LICENSE OF :  
:  
Dilipkumar G. Naik, R.P. :  
License No.: 28RI01624900 :  
:  
TO PRACTICE PHARMACY IN THE :  
STATE OF NEW JERSEY :

CONSENT ORDER

This matter was most recently opened to the New Jersey Board of Pharmacy (the "Board") upon receipt of a request from Mr. Dilipkumar Naik, R.P., to have his license to practice pharmacy reinstated. Records reveal that on or about October 3, 2005, Mr. Naik was convicted in the United States District Court, District of New Jersey, of one (1) count of Unlawful Distribution of Prescription Drugs, and was sentenced to probation for a term of three years. His license to practice

pharmacy in the State of New Jersey was suspended for the duration of his criminal probation by way of a Final Order of Discipline ("the Order") filed on October 25, 2007, on the grounds that his conviction was one of moral turpitude and/or reflected adversely on the practice of pharmacy, in violation of N.J.S.A. 45:1-21(f).

The Order required that Mr. Naik appear before the Board prior to reinstatement to demonstrate his fitness to resume practice and his satisfactory completion of the criminal probation.

Mr. Naik appeared with legal counsel and testified before the Board on November 12, 2008. Mr. Naik provided a copy of a letter from the United States District Court, District of New Jersey, Probation Office, stating that the term of his probation expired on September 28, 2008 and that Mr. Naik no longer has any obligations to that office. Mr. Naik also provided the Board with several letters of recommendation from former professors, teachers, and employers. During his probation, Mr. Naik worked as a business consultant to convenience stores. Although Mr. Naik has not practiced pharmacy since the fall of 2003, he has continued to take the continuing education credits required for practicing pharmacists, including thirty-seven point five (37.5) credit

hours in the last two years. Mr. Naik testified that, if reinstated, he would like to work part-time, perhaps as a substitute pharmacist, standing in for pharmacists who are unable to work due to sickness or emergency.

Dilipkumar G. Naik, R.P., being desirous of resolving this matter without the necessity of further formal proceedings, and agreeing to waive any right to same, and the Board having determined that, given the period of time Mr. Naik has been out of practice and the issues which caused the suspension of his license, this Order is sufficiently protective of the public health, safety and welfare, and all parties agreeing to the terms of this Order;

**IT IS therefore on this 19<sup>th</sup> day of NOVEMBER, 2008,**

**ORDERED THAT:**

1. The license of Mr. Dilipkumar G. Naik shall be reinstated following his provision of the following documents to the Executive Director of the Board, which shall all be to the satisfaction of the Board:

- a. Documentation of successful completion of the Multi-state Pharmacy Jurisprudence Examination (MPJE).
- b. Proof of successful completion of all application requirements including a Criminal History Background Check negative for any actions not mentioned above and payment of all reinstatement fees.

2. After Mr. Naik has complied with all the requirements of Paragraph One of this Order to the satisfaction of the Board, his license to practice pharmacy shall be reinstated subject to the conditions in paragraphs three through seven of this Order.

3. Mr. Naik shall successfully complete a three month period of supervised practice immediately upon his employment in a pharmacy following the reinstatement of his license. During this period Mr. Naik shall be directly supervised at all professional settings by a supervisor pre-approved by the Board. Prior to beginning any employment, Mr. Naik shall ensure that his supervisor confirms with the Board, in writing, that he/she has seen this consent order and agrees to supervise Mr. Naik and that the supervisor agrees to advise the Board within 24 hours of any violation by Mr. Naik of any statute or regulation governing the practice of pharmacy. At the end of the supervised period, Mr. Naik shall ensure that his supervisor confirms with the Board, in writing, that he/she has supervised Mr. Naik for the entire three month period and recommends unconditionally and without reservation that Mr. Naik is able to practice pharmacy without supervision.

4. Mr. Naik shall comply with all statutes, regulations and professional standards applicable to the practice of pharmacy.

5. For a two year period following reinstatement of his license to practice pharmacy, Mr. Naik shall not act as a preceptor or a pharmacist-in-charge (RPIC) at any pharmacy and shall not own or have an ownership interest in any pharmacy.

6. For a two year period following reinstatement of his license to practice pharmacy, Mr. Naik shall provide a copy of this Order all employers where a pharmacy license is required for employment or where Mr. Naik has access to medication, prescriptions or patient profiles. Mr. Naik shall ensure that each employer notifies the Board in writing that he or she has received this Order prior to Mr. Naik beginning employment. Mr. Naik shall inform the Board in writing of any employment changes, including periods of unemployment, and shall also provide a detailed description of his job, role and responsibilities.



7. In the event that Mr. Naik seeks to amend the terms of this Order at any time in the future, then this Order shall require him to appear before a committee of the New Jersey State Board of Pharmacy.

NEW JERSEY STATE BOARD OF PHARMACY

By: \_\_\_\_\_  
Edward G. McGinley, R.Ph  
Board President

I have read the within Order and agree to its terms.

- Dilip Naik  
Dilipkumar G. Naik, R.P.

Consent as to from and entry:

- Angelo Cataldi  
Angelo Cataldi, Esq.  
Attorney for Dilipkumar Naik, R.P.

**SIGN  
HERE**

