PAULA T. DOW
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law – 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the Board of Pharmacy

By: Bindi Merchant
Deputy Attorney General
Tel. No. (973) 648-7457

FILED
MAR 10 2010
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

Nwala Gabriel, R.P.
License No.: 28RI02918600

TO PRACTICE PHARMACY IN THE STATE OF NEW JERSEY

CONSENT ORDER

This matter was opened to the New Jersey State Board of Pharmacy ("Board") upon receipt of information that Nwala Gabriel, RP ("Respondent") was indicted on October 26, 2009 on one count of Conspiracy to Commit Health Care Claims Fraud and Medicaid Fraud (2nd Degree); one count of Health Care Claims Fraud (2nd degree); and two counts of Medicaid Fraud (3rd Degree), in violation of N.J.S.A. 2C:21-4.3 and N.J.S.A. 30:4D-17 based on conduct related to his employment as a pharmacist at Harrison Pharmacy in Newark, New Jersey. Respondent is the co-permit holder of a permit to operate Harrison Pharmacy (Permit Number 28RS00662800).

On February 23, 2010, Respondent pled guilty to third degree Medicaid fraud, in violation of N.J.S.A. 30:4D-17(c).

The above conviction provides 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.

The Board, being satisfied that entry of the within Order is adequately protective of the public health, safety and welfare and being satisfied that good cause exists for the entry of the within Order,

IT IS, therefore on this 10th **day of** MARCH **, 2010**

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 three years, or until he has successfully completed all terms of his criminal sentence.

2. On or before the date of sentencing in the related criminal matter (Indictment No. 09-10-00253-S) or within 90 days thereafter, Respondent shall sell his ownership interest in Harrison Pharmacy to a Board approved purchaser.

3. On or before the date of sentencing in the related criminal matter (Indictment No. 09-10-00253-S), Respondent shall cease and desist from engaging in the practice of pharmacy, which includes, but is not limited to 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; he shall not be involved in any financial matters or management of a pharmacy, and he is prohibited from being present within any area of a pharmacy.

4. Respondent shall surrender his original wall certificate, his wallet certificate, and the most recent renewal card of his license to the Executive Director of the board immediately upon the entry of this Order by mailing same to Joanne Boyer, Executive Director, Board of Pharmacy, P.O., Box 45013, Newark, New Jersey 07101.

5. Prior to reinstatement of Respondent's license to practice pharmacy, Respondent shall appear before the Board, and the Board, in its discretion, may impose any conditions or restrictions on licensure it deems necessary to protect the public health, safety and welfare.

to demonstrate his compliance with the terms of his crimin. sentence

NEW JERSEY STATE BOARD OF PHARMACY

By: Edward G. McGinley R.P.
Edward G. McGinley, R.P.
Board President

I have read the within Order, understand and agree to its terms and agree to be bound by them. I consent to the entry of this Order.

Nwala Gabriel, R.P.

Consent as to form and entry:

Maria Noto, Esq.
Attorney for Respondent