

**FILED**

JUL 14 2010

**BOARD OF PHARMACY**

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

By: Megan Cordoma  
Deputy Attorney General  
Tel. No. (973) 648-3453

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

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IN THE MATTER OF THE SUSPENSION  
OR REVOCATION OF THE LICENSE OF

Administrative Action

Francisco Marcos, R.Ph.  
License No.: 28 RI02652500

**CONSENT ORDER**

TO PRACTICE PHARMACY IN THE  
STATE OF NEW JERSEY

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This matter was opened to the New Jersey State Board of Pharmacy upon receipt of information that on June 3, 2010, Respondent entered into a plea agreement with the United States Attorney for the District of New Jersey and subsequently entered a guilty plea before U.S. District Judge Anne E. Thompson, admitting that he submitted at least 400 fraudulent claims to Federal Employees Health Benefits (FEHB) plans and received in excess of \$28,000 in reimbursement from FEHB plans based upon fraudulent claims in violation of 18 U.S.C. §1 347. Specifically, from in

or about 2002, through in or about March 2008, in Bergen County, New Jersey Respondent did knowingly and willfully execute and attempt to execute a scheme and artifice to defraud and to obtain, by means of false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, a health care benefit program, in connection with the delivery of and payment for health care benefits, items, and services. Among the methods and means employed by Respondent to carry out the scheme, Respondent submitted fraudulent claims for reimbursement to FEHB plans based on prescriptions which were purportedly requested by employees of the United States Postal Service and their families, and filled by Respondent. In fact, these prescriptions were not requested by employees of the United States Postal Service and their families, and were not filled by Respondent.

The above guilty plea 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 relate adversely to the practice of pharmacy.

IT IS THEREFORE on this 14<sup>th</sup> day of JULY, 2010,

**ORDERED AND AGREED 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. Respondent shall receive credit on the period of

suspension retroactive to June 3, 2010, the date Respondent voluntarily ceased practicing pharmacy.

2. Respondent shall continue to 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.

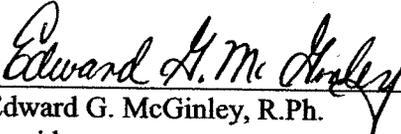
3. Within five days following the entry of this Order, Respondent shall surrender his original wall certificate, his wallet certificate, and the most recent renewal card of his license to an authorized representative of the Board or mail these items to: Executive Director Joanne Boyer, New Jersey Board of Pharmacy, P.O. Box 45013, Newark, New Jersey 07101.

4. At the end of the three year period of suspension and prior to reinstatement of his license, respondent shall:

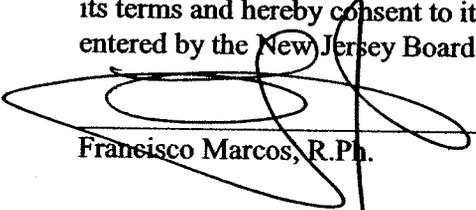
- a. Appear before the Board or a committee thereof to discuss his readiness to reenter the practice of pharmacy. At that time, Respondent shall be prepared to propose his plans for future practice in New Jersey and demonstrate evidence of rehabilitation to the Board's satisfaction.
- b. Provide documentation of successful completion of all continuing education credits required by N.J.A.C. 13:39-3A.1- 13:39-3A.7.
- c. Provide documentation of successful completion of all criminal sentencing and probation terms including payment of criminal fines.
- c. Provide documentation of successful completion of all application requirements including a Criminal History Background Check and payment of all reinstatement fees.

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.

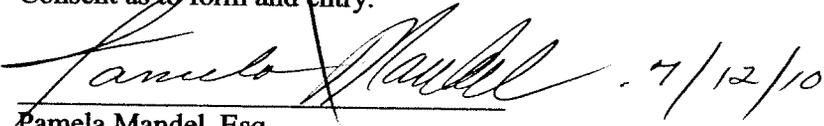
NEW JERSEY STATE BOARD OF PHARMACY

By:   
Edward G. McGinley, 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.

  
Francisco Marcos, R.Ph.

Consent as to form and entry:

 7/12/10  
Pamela Mandel, Esq.  
Attorney for Respondent