

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 the Board of Pharmacy

**FILED**

OCT 13 2010

**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 : Administrative Action  
: :  
OR REVOCATION OF THE LICENSE OF :  
: **CONSENT ORDER**  
: **Daniel Shack, R.P.** :  
License No. 28RI01681500 :  
: :  
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 ("The Board") upon receipt of respondent Daniel Shack's application for reinstatement of his license to practice pharmacy in the State of New Jersey. Respondent's license to practice was revoked by a Final Order of Discipline, entered by the Board in

November 2005, based upon a guilty plea to an information which charged Conspiracy to Defraud the United States, to unlawfully buy and sell prescription drug samples, and to misbrand prescription drugs in violation of 18 U.S.C. §371 in the United States District Court, District of New Jersey on April 22, 2005. Respondent was sentenced to three years of probation. In addition, he was required to complete 100 to 150 hours of community service, pay \$5000 in court fees, and, as a condition of his probation, meet regularly with his probation officer and submit to drug testing.

Pursuant to the Final Order of Discipline, Respondent was prohibited from seeking reinstatement of his license to practice pharmacy in New Jersey until he completed the terms of his sentence. Respondent's criminal sentence ended when he completed his term of probation in September of 2008.

In support of his application for reinstatement of his New Jersey license, Respondent appeared with counsel, and testified before the Board on August 11, 2010 that he met all of the terms of his plea bargain and sentence, and provided documentary proof of same. Since his license was revoked he testified that he has accumulated approximately 60 to 70 continuing education credits and has kept up with recent scholarship in the field by reading relevant periodicals and journals. Respondent testified that if his license is reinstated he hopes to work in retail or hospital

pharmacy, and does not plan to go back into business for himself. Although Respondent has been barred from the practice of pharmacy since 2005, he expressed confidence in his ability to practice despite the numerous changes in the field since his suspension. He expressed confidence in his ability to learn quickly and conform his practice to prevailing standards.

Respondent, being desirous of resolving this matter without the necessity of further formal proceedings, and agreeing to waive any right to a hearing, and the Board having determined that, given the period of time respondent has been out of practice and the issues which caused the revocation 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;

ACCORDINGLY, IT IS on this 13<sup>th</sup> day of OCTOBER, 2010,  
ORDERED THAT:

1. Respondent shall provide the following documents to the Board, which shall all be to the satisfaction of the Board:
  - a. Proof of successful completion of all application requirements including a criminal history background check with results that are satisfactory to the Board and payment of all reinstatement fees;
  - b. Documentation of his successful completion of the Multi-state Pharmacy Jurisprudence Examination (MPJE) with a score of 75 or better.

- c. Proof of successful completion of 35 continuing educational hours in addition to those he may have completed prior to his appearance on August 11, 2010.
- d. Proof of successful completion of a 500-hour internship under the supervision of a preceptor who has been pre-approved by the Board and who has been made aware of Respondent's history as outlined in this Order. The preceptor shall sign a copy of this Order indicating his agreement to supervise Respondent and report to the Board as required by this Order. The preceptor shall immediately (within twenty four hours of awareness of occurrence) report to the Board orally and in writing of any actions by Respondent in violation of this Order, or any violation of the statutes or regulations governing the practice of pharmacy. The Preceptor shall further agree to submit a report to the Board at the conclusion of Respondent's internship indicating whether Respondent has successfully completed the internship. Successful completion means that his preceptor recommends unconditionally and without reservation that Respondent is ready to practice pharmacy without supervision.

2. Following respondent's demonstration of compliance with all of the requirements of paragraph (1) of this Order to the satisfaction of the Board, Respondent's license to practice pharmacy shall be reinstated.

3. After his reinstatement, Respondent shall not act as a preceptor or pharmacist-in-charge(RPIC) at any pharmacy for a period of one year, and shall not own or have an ownership interest in any pharmacy until further Order of the Board.

NEW JERSEY STATE BOARD OF PHARMACY

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

I have read the within Order and understand its terms. I consent to the entry of this Order by the New Jersey Board of Pharmacy.

Daniel Shack  
Daniel Shack, R.PH

~~Consent~~ as to form and entry:  
Lee Engleman 10/12/10  
Lee Engleman, Esq.  
Attorney for Respondent

I agree to comply with the monitoring, supervision, and reporting requirements as to the preceptor under this Order

Richard O. Stein  
Print Name: Richard O. Stein  
Preceptor