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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 OR	:	
REVOCAION OF THE LICENSE OF:	:	Administrative Action
	:	
RASHID NAVEED, R.P.	:	CONSENT ORDER
License No.: 28RI02546700	:	
	:	
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 information that on or about September 18, 2007, respondent entered into a plea agreement with the United States Attorney's Office that was filed in the Federal Court, District of New Jersey. Specifically, respondent plead guilty to conspiring to adulterate drugs in interstate commerce for a period from early 2001 through September 2001, contrary to 21 U.S.C. § 331(b) and 333(a)(1), in violation of 18 U.S.C. § 371.

On April 23, 2008, the Board entered a Provisional Order of Discipline against respondent. The Board noted that respondent had not yet been sentenced based on his guilty plea, but preliminarily found that respondent's plea of guilt constitutes a conviction of a crime of moral

turpitude and/or a crime which relates adversely to the profession of pharmacy, providing a basis for discipline of respondent's license. The Board provisionally suspended respondent's license to practice pharmacy, with no right to seek reinstatement for five years from entry of the Order.

Respondent, through his counsel, Marc E. Leibman, Esq., submitted an extensive response to the Provisional Order. He provided details of his background and family history, as well as the offense to which he had plead guilty. He advised that he cooperated with the state and federal prosecutors, and that he provided information useful in the prosecution of others. He also requested a hearing on the penalty sought to be imposed, and argued that a thirty-day suspension was sufficient punishment. Respondent later provided a copy of a Judgment of Conviction, entered October 10, 2008, whereby respondent was sentenced to six months probation, payment of restitution in the amount of \$86,052.00, and in addition to compliance with the standard terms of probation, respondent was required to provide full financial disclosures, including monthly statements of income and yearly income for tax return purposes, and was prohibited from opening any credit lines or encumbering or liquidating assets.

On or about March 29, 2010, the Department of Health and Human Services, Office of the Inspector General, advised respondent that it had closed his file after determining that no exclusion from Medicare participation would be necessary.

The Board has reviewed all of the information presented, including the documents relating to criminal charges against respondent and the information provided by respondent's counsel and the Office of the Inspector General. The Board finds that the specific facts and circumstances of this case, including the mitigating evidence provided and information from the Office of the Inspector General, provide a basis for a significant reduction in the period of suspension, both active and stayed, originally sought by the Board in the Provisional Order of Discipline. The Board finding

the within disposition adequately protective of the public health, safety and welfare, and other good cause having been shown, and respondent desiring to resolve this matter without formal proceedings and having waived his right to those proceedings, and this Consent Order resolving the matter addressed in the Provisional Order of Discipline entered April 23, 2008,

ACCORDINGLY, IT IS on this 29th day of OCTOBER, 2010

ORDERED and AGREED that:

1. Respondent's license to practice pharmacy in the State of New Jersey is hereby suspended for a period of two years, effective upon entry of this Consent Order. The first six months of the suspension will be served as a period of active suspension, with the remainder to be stayed and served as a period of probation, contingent on compliance with the terms of this Consent Order and the laws governing the practice of pharmacy.

2. During the period of active suspension, 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, and he is prohibited from being present within a prescription filling area of a pharmacy.

3. In the event the Board receives information which the Board in its sole discretion deems reliable that respondent has failed to comply with any of the terms of this Consent Order, the Board may immediately enter an order making respondent's period of stayed suspension active. Respondent shall have the right to apply to the Board to request a hearing, on seven (7) days' notice,

for removal of the automatic suspension, but the application shall be limited to a showing that the information submitted to the Board was false or inaccurate.

4. Respondent is hereby assessed civil penalties, pursuant to N.J.S.A. 45:1-22, in the amount of \$5,000 for the conduct described herein. Payment of the civil penalties shall be submitted by certified check or money order made payable to the State of New Jersey and shall be sent to Joanne Boyer, Executive Director, Board of Pharmacy, 124 Halsey Street, P. O. Box 45013, Newark, New Jersey 07101 contemporaneously with the signing of this Order. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

5. Respondent shall submit proof of compliance with all terms of the Judgment of Conviction, including successful completion of probation and that he is current on restitution payments.

6. During the period of stayed suspension/probation, respondent 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.

7. During the period of stayed suspension, respondent shall serve a copy of this Order on all employers, licensee supervisors, and/or responsible entities or officials at each and every

facility where he plans to practice pharmacy, prior to commencing work as a licensee and shall ensure that each employer and licensee supervisor sends documentation to the Board that he or she has reviewed the complete Order.

NEW JERSEY STATE BOARD OF PHARMACY

By: Edward G. McGinley
Edward G. 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.

Rashid Naveed
Rashid Naveed, R.P.

Consent as to form and entry of this Order:

Marc E. Leibman
Marc E. Leibman, Esq.
Attorney for Rashid Naveed, R.P.