

FILED

JUL 31 2013

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 REGISTRATION OF: :

JOBY K. GEORGE, R.P. :
License No. 28RI02755500 :

ADMINISTRATIVE ACTION

**FINAL ORDER OF
DISCIPLINE**

TO PRACTICE PHARMACY IN THE :
STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Pharmacy (the "Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Joby K. George ("Respondent") is a licensed pharmacist in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On April 30, 2010, Respondent was convicted of Health Care Fraud, in violation of 18 U.S.C. § 1347(1), in the United

States District Court in the District of Connecticut. Specifically, Respondent knowingly and willfully submitted, or caused to be submitted, fraudulent claims for payment into the Medicaid and Medicare programs.

3. In an order of conviction from the United States District Court, the Respondent was ordered to serve fourteen (14) months in the custody of the United States Bureau of Prisons and pay restitution in the amount of \$344, 805.02. Upon release from prison, Respondent was to be placed on supervised release for a term of two (2) years.

CONCLUSIONS OF LAW

Respondent's conviction of Health Care Fraud, under 18 U.S.C. § 1347(1), provides grounds for the Board to take disciplinary actions against Respondent's license to practice pharmacy in the State of New Jersey, pursuant to N.J.S.A. 45:1-21(b), in that Respondent has engaged in the use fraud. Moreover, the Board considers Respondent's conduct described herein to be professional misconduct within the meaning of N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h), N.J.S.A. 45:1-25, and N.J.S.A. 45:1-22.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking the suspension of Respondent's license to practice pharmacy in the State of New Jersey, for a minimum of five (5) years, was entered on July 19, 2012. A copy was forwarded, by means of both regular and certified mail, to Respondent's last known address of record and a second address where Respondent was known to reside and had previously received and responded to Board correspondence. The regular mail and the certified mail were returned "unclaimed". The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefore.

Because the Order was forwarded to Respondent's address of record, the Board deems service to have been effected. Respondent cannot evade service by failing to provide the Board with a valid address or failing to respond. To date, Respondent

has not submitted a response to the Provisional Order. The Board further determined that inasmuch as no discrepancies have been raised with respect to the findings and conclusions of the Provisional Order, no further proceedings are necessary and the Provisional Order should be made final.

**ACCORDINGLY, IT IS on this 31 day of July, 2013,
ORDERED that:**

1. Respondent's license to practice pharmacy in the State of New Jersey is suspended for a minimum of five (5) years. Respondent may not seek reinstatement of his New Jersey pharmacy license until such time as he has obtained an unrestricted license to practice pharmacy in the State of Connecticut.

2. Upon the filing of this Order, Respondent shall immediately cease and desist from engaging in 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; shall not handle anything requiring a prescription, including devices and medications; shall not handle or prepare medication labels; shall not engage in data entry for any pharmacy; shall not count, weigh, measure, pour or compound prescription medication or stock any prescription medication; shall not fill an automated medication system; shall

not accept authorization for a prescription refill or renewal; and shall not be present within a prescription filling area of a pharmacy.

3. Within five (5) days following the filing this Order, Respondent shall surrender his original wall certificate, wallet certificate, and the most recent renewal card to the Executive Director of the Board by mailing same to Anthony Rubinaccio, Executive Director, Board of Pharmacy, 124 Halsey Street, P. O. Box 45013, Newark, New Jersey 07101.

4. Prior to Board consideration of any petition for reinstatement of his New Jersey license, Respondent shall appear before the Board or a committee thereof to demonstrate his competency to re-enter the practice of pharmacy:

a. Respondent shall provide, to the Board's satisfaction, proof that he has an unrestricted license to practice pharmacy in the State of Connecticut and has completely complied with his criminal sentence in the aforementioned conviction.

b. Provide documentation of successful completion of 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 application requirements, including a Criminal History Background Check and payment of all reinstatement fees.

d. Provide documentation of his full attendance and successful completion with an 'unconditional pass' of the Professional Problem Based Ethics (ProBE) course offered by the Center for Continuing Education at the University of Medicine and Dentistry of New Jersey (UMDNJ) in New Brunswick, New Jersey.

5. In the event that Respondent's license is reinstated, the Board reserves the right to impose conditions or restrictions upon the Respondent's license, including but not limited to, that Respondent shall not act as a Registered Pharmacist in Charge or as a preceptor for a minimum of two (2) years following any reinstatement.

NEW JERSEY STATE BOARD OF PHARMACY

By: Thomas F.X. Bender, Jr., R.P.
Thomas F.X. Bender, R.P.
Board President