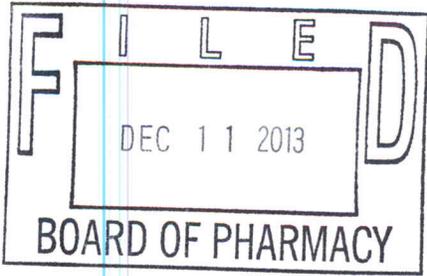


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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION OR :  
REVOCATION OF THE LICENSE OF :  
: ADMINISTRATIVE ACTION  
: **Robert A. Carlucci, R.P.** :  
: **License No. 28RI01251500** :  
: **CONSENT ORDER OF SURRENDER** :  
: **TO BE DEEMED A REVOCATION** :  
TO PRACTICE PHARMACY :  
IN THE STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Pharmacy ("Board") upon receipt of information that Robert A. Carlucci ("Respondent") was the subject of a grand jury indictment filed on or about August 6, 2013 in the United States District Court. The indictment charged Respondent with conspiracy to defraud health care benefit programs, and to obtain, by materially false pretenses, representations and promises, money and property owned by, and under the custody and control of, those health care benefit programs, in connection with the delivery of and payment for health care benefits, items, and services, contrary to Title 18, United States Code, Section 1347.

Specifically, between 1997 and December 2012, Respondent Robert Carlucci, R.P., conspired with William Carlucci, R.P., and L.S. to execute an elaborate, multifaceted scheme, in which the three co-conspirators submitted and caused West Orange Pharmacy to submit claims to Medicaid and to private insurers that fraudulently represented that healthcare benefits, namely prescriptions, had been provided to beneficiaries.

As part of the conspiracy, Respondent Robert Carlucci and his co-conspirators under-filled patients' prescriptions and billed Medicaid and private insurers as though the prescription had been completely filled; Respondent and his co-conspirators substituted generic drugs for brand-name drugs prescribed by physicians, and would then bill Medicaid and private insurers for the full amount of the brand-name drug; Respondent and his co-conspirators filled outstanding refills on given prescriptions without the patients' knowledge and then billed Medicaid and private insurers for the refills; when Respondent and his co-conspirators did not make a profit on a given prescription, they looked through the patient's profile and found additional costs that they could then bill to Medicaid or the private insurer; Respondent and his co-conspirators purchased prescription drugs from non-licensed wholesalers at a substantial discount from the wholesale drug price. The co-conspirators then dispensed these discounted drugs to patients and then billed Medicaid and the private insurers for the full cost associated with the drug, as if it had been purchased

at the wholesale price; Respondent and his co-conspirators purchased written prescriptions from patients without filling the prescription and then billed Medicaid and the private insurers for the full amount of the prescription.

It was further part of the conspiracy that the co-conspirators would fill a prescription from a customer, then purchase the prescription back from the customer, and re-use those previously dispensed drugs to fill other prescriptions. The co-conspirators would then bill Medicaid and private insurers for the full cost of the medication.

As a result of the false and fraudulent claims submitted by the co-conspirators, in violation of Title 18, United States Code, Section 1347, Medicaid and the private insurers made payments to the West Orange Pharmacy totaling at least \$1.5 million dollars.

On August 6, 2013, Robert Carlucci entered into a plea agreement with the United States Attorney for the District of New Jersey, whereby Robert Carlucci entered a guilty plea to the one-count Information, charging him with conspiring to defraud a health benefit program, contrary to Title 18, United States Code, Section 1347.

The Board finds that Respondent's conviction provides grounds to take disciplinary action against Respondent's license to practice pharmacy in New Jersey pursuant to N.J.S.A. 45:1-21(b), (e), and (f), in that Respondent has engaged in the use of dishonesty, fraud, deception, misrepresentation, false promise, or

false pretense; in professional misconduct; and in acts constituting a crime involving moral turpitude or relating adversely to the practice of pharmacy.

The parties, having agreed to the resolution of this matter without further formal proceedings, and respondent having agreed and given his voluntary consent to the within Order and waiving any right to a hearing in this matter, and the Board finding the within disposition adequately protective of the public health, safety and welfare, and other good cause having been shown;

It is on this 11th day of December, 2013,

**Ordered:**

1. Respondent, Robert A. Carlucci, R.P., shall surrender his license to practice pharmacy in the State of New Jersey. Such surrender shall be deemed a revocation of his license.

NEW JERSEY STATE BOARD OF PHARMACY

By:

Thomas F.X. Bender, R.P.  
Thomas F.X. Bender, R.P.  
Board 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.

Robert A. Carlucci, R.P.  
Robert A. Carlucci, R.P.