

Shop Pharmacy on November 28, 2012, for allegations that he had dispensed a controlled substance without a prescription. Specifically, on April 18, 2012, the Office of Attorney General received a complaint from a physician, Dr. Phillip Korzeniowski, stating that he had found medications listed on the Prescription Monitoring and Reporting System for a prescription he did not write. Dr. Korzeniowski noted that a prescription for 100 Phentermine 37.5 mg tablets was dispensed from Stop & Shop in Aberdeen, New Jersey. He knew the prescription was fraudulent, as he had not treated the patient in over two years. Dr. Korzeniowski contacted the Respondent, who admitted to forging the telephone prescriptions, and subsequently reversed the electronic record of the prescription.

On November 29, 2012, Respondent submitted to a voluntary interview with Detectives from the Enforcement Bureau, at which time he admitted that he had forged the call-in prescription, removed the dispensed pills from the store without paying for them, and sent them in the mail to a friend. Respondent further admitted that he attempted to remove the electronic record of the transaction.

In the same interview, Respondent admitted that he had fraudulently filled a similar prescription, allegedly written by Dr. Elias Lehaf on November 2, 2010.

Respondent was arrested by Aberdeen Police Department on December 6, 2012, and charged with 2 Counts of Obtaining Dangerous Substance by Fraud, N.J.S.A. 2C:35-513, 2 counts of Distribution of Controlled Substance, N.J.S.A. 2C:35-5B(13), and Possession of Controlled Dangerous Substance, N.J.S.A. 2C:35-10A(2).

In August 2013, Respondent was accepted into Pretrial Intervention ("PTI") and the criminal charges have been postponed for a period of twelve months beginning August 19, 2013. Should he comply with the program, the criminal charges against him will be dismissed. Pursuant to the terms of the PTI Order of Postponement, Respondent must remain employed during his probationary period.

Upon review of all available material, the Board finds that Respondent's admitted conduct constitutes professional misconduct, and the use or employment of dishonesty, fraud, deception, misrepresentation, false promise and false pretense, and that Respondent has engaged in acts constituting a crime or offense relating adversely to the activity regulated by the Board in violation of N.J.S.A. 45:1-21(b), (e) and (f).

The parties, having agreed to resolution of this matter without formal proceedings, and Respondent, having agreed and given his voluntary consent to the within order and waiving any right to a hearing, 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, therefore on this 9th day of January, 2014

ORDERED 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 the filing date of this Order. Six months of the period of suspension shall be active, and eighteen months of the suspension shall be stayed and served as a period of probation. These two separate periods of suspension will be served in the following order:

a. The initial probationary period of suspension will commence upon the filing date of this order and will continue until September 30, 2014. This period of probation shall be stayed and served as a period of probation.

b. On October 1, 2014, the active period of suspension will begin, and will continue until March 31, 2015, when it will be completed.

c. The final period of suspension, to be stayed and served as probation, will recommence on April 1, 2015, immediately after the active period of suspension has been completed, and will continue until the total two year period of suspension has been satisfied.

2) During his periods of probation, Respondent shall be subject to the following conditions:

a. Respondent shall provide a copy of this Order to all present and future employers where a pharmacy license is required for employment or where the Respondent has access to medication, prescriptions or patient profiles. Respondent shall ensure that each employer notifies the Board in writing that he or she has received this Order.

b. Respondent hereby consents to the automatic entry of an Order actively suspending his license without notice during the periods of his stayed suspension, upon the Board's receipt of any information which the Board in its sole discretion deems reliable that Respondent has diverted medication, falsified prescriptions or has failed to comply with any of the conditions set forth in this Order. Respondent shall have the right to apply for removal of the automatic suspension on five (5) days notice but in such event shall be limited to a showing that the information submitted and upon which the Board relied was materially false. In addition, the Board reserves the right to bring further disciplinary action and place restrictions and/or limitations upon Respondent's certificate to practice as a Pharmacist in the State of New Jersey.

c. 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.

d. Respondent shall provide a detailed description of his job, role and responsibilities and shall inform the Board in writing of any changes in employment, including periods when he is unemployed.

3) Respondent shall remit a payment of monetary penalty, pursuant to N.J.S.A. 45:1-25 in the amount of \$5,000.00. The first payment of \$500.00 shall be submitted contemporaneously with this Order with subsequent monthly payments of no less than \$500.00 due by the 15th of each month commencing February 15, 2014. Payments shall be by certified check or money order made payable to the New Jersey Board of Pharmacy and mailed to New Jersey State Board of Pharmacy, ATTN: Anthony Rubinaccio, Executive Director, 124 Halsey Street, P.O. Box 45013, Newark, New Jersey, 07101. In the event that respondent fails to make timely payment, interest shall begin to accrue at the annual court rule rate, a Certification of Debt shall be issued, and the Board may institute such other proceedings as are authorized by law.

4) Respondent shall surrender his original wall certificate, his wallet certificate, and the most recent renewal card of his license contemporaneously with this Order.

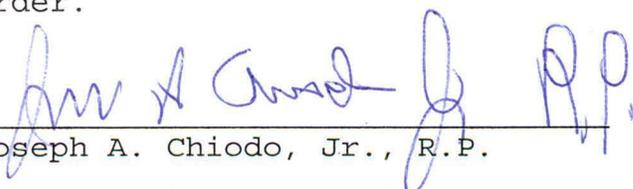
NEW JERSEY STATE BOARD OF PHARMACY



By: _____

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

I have read the within Order,
understand agree to its terms
and agree to be bound by them.
I consent to the entry of this
Order.



Joseph A. Chiodo, Jr., R.P.

Consent as to form and entry:



Angelo J. Cifaldi, Esq.
Attorney for Joseph Chiodo