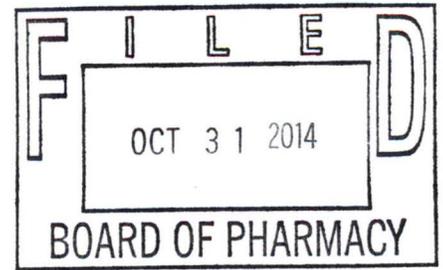


JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law - 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the Board of Pharmacy



By: Megan Cordoma
Deputy Attorney General
Tel. No. (973)648-4730

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 :
:
Mark Forgang, R.P. : Administrative Action
License No. 28RI01308900 :
:
TO PRACTICE PHARMACY IN THE STATE :
OF NEW JERSEY :
AND THE PERMIT OF : **CONSENT ORDER**
:
Reiter's Pharmacy :
Permit No. RS00371900 :
:
TO CONDUCT A 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 alleging that Mark Forgang, R.P. ("Respondent") improperly dispensed controlled dangerous substances pursuant to prescriptions that were obviously washed, altered, or otherwise fraudulent on numerous occasions beginning in or before November 2012 until December 2013 at Reiter's Pharmacy. Respondent is also the sole owner and permit

holder of Reiter's Pharmacy, located in Ocean, New Jersey.

Specifically, Respondent distributed 3,000 dosage units of oxycodone to one individual and more than 100 oxycodone prescriptions to another individual based on obviously fraudulent prescriptions.

On or about December 12, 2013, Respondent voluntarily surrendered the New Jersey Controlled Dangerous Substance Registration of Reiter's Pharmacy.

Respondent, being desirous of resolving this matter without the necessity of further formal proceedings, and agreeing to waive any right to same, and the Board having determined that 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 31ST day of OCTOBER, 2014,
ORDERED THAT:**

1. Respondent, Mark Forgang, R.P., is hereby granted leave and shall surrender his license to practice pharmacy in the State of New Jersey effective November 30, 2014; said surrender shall be deemed a revocation.

2. Effective November 30, 2014, Respondent Mark Forgang 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 advice or consult with patients, and he is prohibited from being present within any area of a pharmacy which is not open to the general public, including, but not limited to a prescription filling area of a pharmacy.

3. Respondent Mark Forgang shall surrender his original wall certificate, his wallet certificate and his most recent renewal card of his license to the Executive Director of the Board on or before November 30, 2014 by mailing same to Anthony Rubinaccio, Executive Director, Board of Pharmacy, P.O. Box 45013, Newark, New Jersey 07101.

4. Respondents Mark Forgang and Reiter's Pharmacy shall not dispense controlled dangerous substances, effective immediately.

5. On or before November 30, 2014, Respondent permit holder Reiter's Pharmacy, shall discontinue business or be sold to a Board approved purchaser by Mark Forgang. For the purposes of the within Order, Board approved purchasers shall include a publicly or privately held company that is not owned in whole or part by an individual who is related to respondent by marriage or sanguinity, or a private individual who is not related to respondent by marriage or sanguinity.

6. In the event that Respondent Mark Forgang is unable to sell Reiter's Pharmacy on or before November 30, 2014, Respondent is hereby granted leave and shall surrender his permit to operate Reiter's Pharmacy, permit number RS00371900 in the State of New Jersey to the Executive Director of the Board on or before November 30, 2014, by mailing same to Anthony Rubinaccio, Executive Director, Board of Pharmacy, P. O. Box 45013, Newark, New Jersey 07101.

7. Respondents shall comply with the regulations pertaining to closing of pharmacies including but not limited to N.J.A.C. 13:39-4.10 and 4.11. Respondents shall ensure that the pharmacy inventory is secured. Compliance shall include identifying and providing to the Board the following information:

- a. The name and license number of the pharmacist who will be responsible for the oversight of the closing the pharmacy.
- b. The name of the person or persons responsible for contacting pharmacies about accepting a transfer of prescriptions and patient information to the new pharmacy, and when those contacts will occur.
- c. The name of the registered pharmacy which has agreed to accept the prescription and patient information from Respondent Pharmacy.
- d. The name of the person responsible for contacting wholesalers, manufacturers, pharmacies and/or reverse distributors about the transfer or return of drug inventory, including all controlled dangerous substances.

- e. A list of the all of the pharmacies, wholesalers, manufacturers, and reverse distributors that will be involved in the transfer of the drug stock of the pharmacy, and the person or persons involved in those contacts.
- f. Copies of all DEA forms submitted in connection with the transfer of CDS.
- g. A copy of the newspaper notification of closing required by N.J.A.C. 4.11(a)2, and proof of publication.
- h. The name and license number of the pharmacist who will be responsible for the oversight of closing the pharmacy.
- i. The name of the person or persons responsible for contacting pharmacies about accepting a transfer of prescriptions and patient information to the new pharmacy, and when those contacts will occur.
- j. The name of the registered pharmacy which has agreed to accept the prescription and patient information from Respondent Pharmacy.
- k. The name of the person responsible for contacting wholesalers, manufacturers, pharmacies and/or reverse distributors about the transfer or return of drug inventory, including all controlled dangerous substances (if any).
- l. A list of the all of the pharmacies, wholesalers, manufacturers, and reverse distributors that will be involved in the transfer of the drug stock of the pharmacy, and the person or persons involved in those contacts.
- m. Copies of all DEA forms submitted in connection with the transfer of CDS (if any).
- n. A copy of the newspaper notification of closing required by N.J.A.C. 4.11(a)2, and proof of publication.

8. Hereinafter, Respondent Mark Forgang shall not seek a permit to operate a pharmacy and shall not seek a controlled dangerous substance registration in the State of New Jersey.

NEW JERSEY STATE BOARD OF PHARMACY

Thomas F.X. Bender, Jr., R.Ph.

By: _____

Thomas F.X. Bender, R.Ph.
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.

Mark Forgang R.P.

Mark Forgang, R.P.
Individually and authorized by and on
behalf of Reiter's Pharmacy