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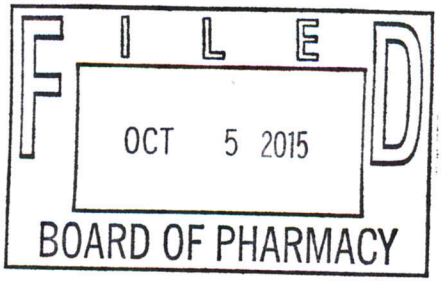


STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHARMACY

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| IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE TO PRACTICE PHARMACY OF<br><br>**VLADIMIR KLEYMAN**<br>**License No.: 28RI02503500**<br><br>AND THE SUSPENSION OR REVOCATION OF THE PHARMACY PERMIT OF<br><br>**PRESCRIPTIONS R US, LLC**<br>**Pharm. Permit No.: 28RS00702300** | Administrative Action<br><br>**CONSENT ORDER OF REVOCATION OF LICENSE TO PRACTICE PHARMACY AND OF PHARMACY PERMIT** |

This matter was opened to the New Jersey State Board of Pharmacy ("Board") by an Order to Show Cause issued by the Board's President and filed by the Board on October 20, 2014, upon receipt of information concerning multiple statutory and regulatory violations committed by Respondents Vladimir Kleyman, R.Ph., who holds License No. 28RI02503500, and the pharmacy Prescriptions R Us, which holds New Jersey Controlled Dangerous Substance Registration No. D09651200 and Pharmacy Permit No. 28RS00702300 and of which Mr. Kleyman is a 49% owner and Registered Pharmacist in Charge. Specifically, both Respondents Kleyman and Prescriptions R Us ("PRU") 1) failed to make

required reports to the Prescription Monitoring Program regarding Controlled Dangerous Substances ("CDS") dispensed to customers over more than two and a half years; and 2) committed multiple violations of Pharmacy Board regulations. Such violations included failing to counsel customers regarding CDS as they were being dispensed to them by a chain lowered down through PRU's second story window; operating without properly maintaining and tracking medication stock; failing to notify the Board that PRU was closed for an extended period in early 2014; keeping expired, misbranded and improperly stored medications on shelves dedicated to active stock; and improperly filling prescriptions. Additionally, as alleged in the Complaint filed with the Order to Show Cause, Respondent Kleyman pleaded guilty to paying tens of thousands of dollars in kickbacks to induce a physician to make prescription referrals to Respondents Kleyman and PRU. This alleged conduct violates N.J.S.A. 45:1-21(b), (c), (d), (e), (f), (h), and (k); N.J.S.A. 45:1-45, et seq., N.J.S.A. 45:14-50(c), and N.J.A.C. 13:39-2.1(e)(6), -3.1, -4.3, -4.12, -5.2, 7.12, -7.21.

Based upon the currently available information the Board finds that Respondents' conduct, as described above, provides grounds to take disciplinary action against the license of Respondent Kleyman to practice pharmacy in New Jersey and against the permit of Respondent PRU to operate as a pharmacy in New Jersey pursuant to N.J.S.A. 45:1-14 et seq., N.J.S.A. 45:14-40 et seq., and N.J.S.A.

45:1-49. Respondents, on the advice of counsel, now agreeing to the terms of this Consent Order, and the Board now 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 5th day of October, 2015,

ORDERED THAT:

1. The license held by Respondent Vladimir Kleyman, R.Ph. to practice pharmacy in the State of New Jersey is hereby revoked.

2. Pursuant to the Interim Consent Order by and between the Board and Respondents filed with the Board on October 29, 2014, ("Interim Consent Order"), Respondent Kleyman ceased from engaging in the practice of pharmacy in New Jersey including the following: Mr. Kleyman has not handled, ordered, inventoried, compounded, counted, filled, refilled or dispensed any drug; has not handled anything requiring a prescription including devices and medications; has not handled prescriptions; has not advised or consulted with patients; and has not been present within a prescription filling area of a pharmacy since the aforementioned Order was entered.

3. Also pursuant to the Interim Consent Order, Mr. Kleyman surrendered his original wall certificate, his wallet certificate, and the most recent renewal card of his license to an authorized representative of the Board by mailing these items to Executive Director Anthony Rubinaccio, New Jersey Board of Pharmacy, P.O. Box 45013, Newark, New Jersey 07101.

4. Mr. Kleyman shall continue to cease and desist from engaging in the practice of pharmacy in New Jersey including the following: Mr. Kleyman 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 prescriptions; shall not advise or consult with patients; and shall not be present within a prescription filling area of a pharmacy.

5. Mr. Kleyman shall not apply for relicensure for a minimum of five years. If, after five years from the effective date of this Order, Respondent Kleyman has not yet completed his federal criminal sentence including any custodial term and any period of supervised release, he shall be precluded from applying for relicensure until after the conclusion of that sentence.

6. Time that Mr. Kleyman spends actively practicing pharmacy in another jurisdiction during the period of revocation shall toll the time when Dr. Kleyman shall be permitted to reapply for his license in New Jersey.

7. During the period of revocation, Mr. Kleyman hereby consents to the automatic entry of a Board Order without notice upon the Board's receipt of any information which the Board in its sole discretion deems reliable that Respondent has failed to comply with any of the conditions set forth in this Order. Respondent shall have the right to apply for a modification of that Order on five 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 the event that such an Order is entered pursuant to this paragraph, it shall be effective upon service on Mr. Kleyman. In addition, the Board reserves the right to bring further disciplinary action against Mr. Kleyman for any violation of the terms of this Order.

8. Nothing in this Consent Order shall be construed to require the Board at any point to a) provide Mr. Kleyman a hearing regarding any request he may submit for relicensure, or b) grant Mr. Kleyman relicensure as a pharmacist in this State.

9. If the Board does grant Mr. Kleyman relicensure as a pharmacist in this State the Board may subject him to any licensing limitations or restrictions deemed appropriate by the Board to protect the public health, safety, and welfare, including but not limited to a prohibition on Mr. Kleyman serving as a Registered Pharmacist in Charge or preceptor.

10. Subsequent to making any request for relicensure Mr. Kleyman must appear before the Board or a committee of the Board to demonstrate his fitness for relicensure and his ability to properly practice pharmacy. At that time Mr. Kleyman shall be prepared to propose his plans for future practice in New Jersey.

11. In addition to any other requirements of this Consent Order, prior to Board consideration of any application for

relicensure, Mr. Kleyman shall:

a. Provide proof of payment of all costs and penalties required to be made by Mr. Kleyman and by PRU pursuant to this Order.

b. Provide documentation of his successful completion of the NAPLEX licensing examination with a score of 75 or better.

c. Provide documentation of all continuing education credits required by N.J.A.C. 13:39-3A.1 through -3A.7.

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

e. Provide documentation of his successful completion, at his own expense, of either the ProBE or PRIM~E ethics course. Successful completion means that all sessions were attended, all assignments were properly and appropriately completed, and a passing grade was achieved which was unconditional and without reservation.

f. Provide documentation of his successful completion of the Multi-state Pharmacy Jurisprudence Examination (MPJE) with a score of 75 or better.

g. Provide documentation of his successful completion of all criminal sentencing requirements.

12. Any practice of pharmacy by Respondent Kleyman in this State prior to an appearance before the Board and reinstatement of

his license shall constitute grounds for the charge of unlicensed practice.

13. The permit held by Respondent Prescriptions R Us to operate as a pharmacy in the State of New Jersey is hereby permanently revoked.

14. Pursuant to the Interim Consent Order Mr. Kleyman has surrendered PRU's permit to operate, held under permit number 28RS00702300, by mailing the permit to Executive Director Anthony Rubinaccio, New Jersey Board of Pharmacy, P.O. Box 45013, Newark, New Jersey 07101.

15. Mr. Kleyman shall comply with the regulations pertaining to the closing of pharmacies including but not limited to N.J.A.C. 13:39-4.10 and -4.11. Mr. Kleyman shall ensure that the pharmacy inventory is secured. Compliance with this requirement shall include provision of the following information to the Board:

a. The name and license number of the pharmacist who will be responsible for the oversight of 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 PRU.

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 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 Drug Enforcement Administration ("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. 13:39-4.11(a)(2) and proof of publication.

16. Mr. Kleyman shall be banned from holding, and shall not seek, a permit to operate a pharmacy in the State of New Jersey for a minimum of five years after the date, if any, that he is granted relicensure to practice pharmacy by the Board.

17. Similarly, Mr. Kleyman shall be banned from holding any ownership interest in any permitted pharmacy in the State of New Jersey for a minimum of five years after the date, if any, that he is granted relicensure to practice pharmacy by the Board.

18. With the consent of the Director of the Division of Consumer Affairs, and pursuant to his authority under N.J.S.A. 24:21-9 et seq., Respondent PRU's New Jersey CDS registration, No. D07383100, is hereby revoked. This CDS registration revocation is independent of any action taken by the Board, the DEA, or any other

licensing authority. Respondent PRU shall immediately return its original New Jersey CDS registration to Steve Lee, Director, New Jersey Division of Consumer Affairs, P.O. Box 45005, 124 Halsey Street, Newark, New Jersey 07101.

19. Pursuant to N.J.S.A. 24:21-12(f), the Director shall promptly notify the DEA of the entry of this Consent Order.

20. Respondents Kleyman and Prescriptions R Us shall be jointly and severally responsible for paying $37,737.87 to the Board. Of that amount $15,000.00 represents civil penalties assessed pursuant to N.J.S.A. 45:1-22, based on violations by both Respondents of Board statutes and regulations as detailed in Counts II and III of the Administrative Complaint. The remaining $22,737.87 represents costs that were incurred by the Board in the filing and prosecution of this matter, which costs are now being charged to both Respondents. Payment of $22,737.87, which represents the Board's incurred costs as described above, shall be made pursuant to a payment plan as follows: The amount of $22,737.87 shall be paid in twenty-three monthly installments. The first twenty-two installments shall be in the amount of $1,000.00. The twenty-third installment shall be in the amount of $737.87. The first installment shall be due on or before November 2, 2015, with each subsequent installment due on the first day of each of the following twenty-two months.

21. Payment of the remaining $15,000.00, which represents

assessed civil penalties, shall be stayed and made payable on or before the date Mr. Kleyman makes any request for relicensure as a pharmacist in the State of New Jersey.

22. In addition to any amounts that Respondents Kleyman and PRU owe jointly and severally to the Board, Respondent PRU shall be responsible for paying $15,000.00 to the Board, which amount reflects a civil penalty assessed pursuant to N.J.S.A. 45:1-49, N.J.S.A. 45:1-21, and N.J.S.A. 45:1-22, based on violations by both Respondents of Board statutes as detailed in Count I of the Administrative Complaint. Payment of $7,500.00, which represents half the total penalty noted in this paragraph, shall be made pursuant to a payment plan as follows: The amount of $7,500.00 shall be paid in eight monthly installments. The first seven installments shall be in the amount of $1,000.00. The eighth installment shall be in the amount of $500.00. The first installment shall be due on or before November 2, 2015, with each subsequent installment due on the first day of each of the following seven months.

23. Payment of the remaining $7,500.00 shall be stayed and made payable on or before the date Mr. Kleyman makes any request for re-licensure as a pharmacist in the State of New Jersey.

24. Any and all payments required to be made by this Consent Order shall be made by wire transfer or by bank check, money order, or certified check made payable to the State of New Jersey and sent to Executive Director Anthony Rubinaccio, New Jersey Board of

Pharmacy, P.O. Box 45013, Newark, New Jersey 07101. Any payment in a form other than those noted above will be rejected and returned. Failure to make timely payment shall result in the filing of a Certificate of Debt pursuant to N.J.S.A. 45:1-24 for the total amount due and owing at the time the Certificate of Debt is filed. Subsequent violations of Board statutes, regulations, or orders, including this Consent Order, will subject Respondents to enhanced penalties pursuant to N.J.S.A. 45:1-25.

25. This Consent Order and its terms shall take effect upon filing.

26. Respondent Kleyman on his own behalf and on behalf of PRU understands that this Consent Order is independent of, and not in lieu of, criminal proceedings and further agrees that resolution of any prior or pending criminal charges did/will not resolve any matter which has been or could be brought before the Board or Director. The parties hereby stipulate that entry of this Consent Order is without prejudice to the filing of an Administrative Complaint and/or further investigation and/or action by this Board, the Acting Attorney General, the Director of the Division of Consumer Affairs or other law enforcement entities resulting from Respondents' conduct not addressed by the terms contained herein.

NEW JERSEY STATE BOARD OF PHARMACY

By: Thomas F.X. Bender, Jr., RPh

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

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

Vladimir Kleyman
Prescriptions R Us, by Vladimir Kleyman

Dated: 9/25/15

I own 51% of Prescriptions R Us, LLC, known herein as PRU, and I am the wife of Vladimir Kleyman. I consent to entry of this Order by the Board of Pharmacy and I consent to each of the above terms applicable to PRU and the pharmacy permit held by PRU.

Tatyana Kleyman

Dated: 9/25/15

I am Mr. Kleyman's attorney. I have reviewed this Consent Order with him and I consent to the form and entry of this Consent Order.

Matt Mandel, Esq.

Dated: 10-2-15