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DRUG CONTROL UNIT

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY PRESCRIPTION BLANK UNIT

IN THE MATTER OF THE NEW JERSEY PRESCRIPTION BLANK VENDOR AUTHORIZATION ISSUED TO **DOWNTOWN PRINTING CENTER**	Administrative Action **FINAL CONSENT ORDER TERMINATING PRESCRIPTION BLANK VENDOR AUTHORIZATION**

Pursuant to N.J.S.A. 45:14-59 et. seq. and the regulations promulgated thereunder, N.J.A.C. 13:45A-27.1 et. seq., Steve C. Lee, the Acting Director of the Division of Consumer Affairs (the "Director") is empowered to approve all vendors of uniform New Jersey Prescription Blanks ("NJPB") in the State of New Jersey. Pursuant to N.J.A.C. 13:45A-27.7 and 13:45A-12, the Director is further authorized to terminate, suspend or place conditions on any authorized NJPB vendor.

Downtown Printing Center operating at 46 Paterson Street, New Brunswick, New Jersey, 08901 ("Downtown") was at all times related hereto an authorized vendor of NJPBs in New Jersey.

Between January 15, 2013 and November 20, 2013, Downtown, received three separate orders for a total of 10,000 NJPBs in

the name of physician C.A.[1] The orders were placed by an individual who represented to Downtown that she was a nurse in C.A.'s Toms River practice. C.A., however, was not a New Jersey licensed physician and the person who identified herself as a nurse in his practice was not a nurse licensed in New Jersey. Over the course of eleven months, three orders for NJPBs in the name of C.A. were filled and delivered by UPS to a residential property in Toms River, New Jersey.

On or about November 14, 2014, Downtown received another order for 5,000 NJPBs in C.A.'s name. This order was not delivered to Toms River but picked up at Downtown by an individual whose signature is illegible on the invoice.

On or about November 18, 2013, Downtown received one order for 5,000 NJPBs in the name of another individual, L.R.[2], who was not a New Jersey licensed physician. This order was shipped on November 26, 2013 by UPS to the same Toms River address as C.A.'s orders.

On or about August 22, 2012, Downtown received one order for 5,000 NJPBs in the name of another individual, G.W.[3], who was not a New Jersey licensed physician. This order was shipped to an address in Sayreville on September 11, 2012.

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[1] As C.A. was the victim in this matter his name is redacted to protect his privacy.
[2] As L.R. was the victim in this matter his name is redacted to protect his privacy.
[3] As G.W. was the victim in this matter his name is redacted to protect his privacy.

At no point did C.A., L.R. or G.W. authorize the ordering of NJPBs from Downtown or otherwise have any knowledge that such an order was to be placed in their names. Downtown failed to verify who the individuals ordering the NJPBs were, that they were in fact New Jersey licensed physicians with active licenses, that the addresses NJPBs were shipped to were the addresses of record on file with the Division. When an individual picked up one order of NJPBs, Downtown also failed to verify that individual was the licensed physician.

During the course of the Division's investigation, Mr. Ruiz, Owner and President of Downtown, acknowledged that Downtown failed to follow procedure and verify that the information provided for C.A. was valid.

Following the Division's investigation, the Director preliminarily found that the acts and omissions of Downtown Printing Center, as detailed above, constituted multiple violations of the following regulations applicable to the ordering of NJPBs:

1. N.J.A.C. 13:45A-27.9(a)1, by failing to obtain the original signature of New Jersey licensed prescribers;

2. N.J.A.C. 13:45A-27.9(a)2, by failing to verify both the prescribers' licenses were active and in good standing and the addresses of record in the Division's database or in notices sent to the vendors;

3. N.J.A.C. 13:45A-27.9(c), by failing to ensure the identity and authority of prescribers to utilize NJPBs prior to printing or delivering any order for NJPBs;

4. N.J.A.C. 13:45A-27.9(d), by failing to deliver NJPBs to the addresses of record on file with the Division; and

5. N.J.A.C. 13:45A-27.9(e), by failing to verify that a licensed prescriber was the individual picking up NJPBs from Downtown Printing Center by verifying his documentation of identity and licensure and signature.

By letter dated March 11, 2016, Downtown was notified of these findings and given the opportunity, in accordance with N.J.A.C. 13:45A-27.7(c), to respond in writing to its alleged violations of the NJPB program requirements. On March 28, 2016, Downtown submitted its response acknowledging its employees' failure to adhere to the NJPB program guidelines. In its response, Downtown also illustrated the steps it had taken, since November 2015 when Downtown acknowledged it learned of the fraud, to correct its failures.

On March 28, 2016, Downtown entered into an Interim Consent Order which was filed by the Drug Control Unit of the Division of Consumer Affairs that same day. The Interim Consent Order provided for the temporary suspension of Downtown's authority as a NJPB vendor pending review by the Division of Downtown's written response. Pursuant to the March 28, 2016 Interim Consent Order, Downtown was to cease and desist from printing and distributing NJPBs or in any way representing to the public

or potential clients that it was an approved printer/vendor of NJPBs.

Downtown has indicated its desire to resolve this matter, without the necessity of further proceedings, and pursuant to the terms of the within Consent Order. Pursuant to the above information; the Director's authority under N.J.S.A. 45:14-59 et. seq. and the regulations promulgated thereunder, N.J.A.C. 13:45A-27.1 et. seq., and for good cause shown:

IT IS ON THIS 19th day of May, 2016 **ORDERED** that:

1. The authority of Downtown Printing Center to be a NJPB vendor is terminated effective immediately and for a minimum period of three (3) years from the date of their initial suspension, March 28, 2016.

2. Three years following the date of initial suspension, March 28, 2016, Downtown may reapply to the Division for authorization as a NJPB vendor. The application shall consist of the standard form for new vendor applications as then utilized by the Division.

3. If Downtown is approved as an authorized NJPB vendor, such approval shall include that the authorization is for a probationary term of not less than two (2) years from the date of approval.

4. During the period of probation, Downtown shall arrange for an audit of all phases of its NJPB ordering and printing processes at six (6) month intervals. The audit shall be conducted by an independent auditing firm approved in advance by the Division, which shall immediately forward copies of the results of the audit to the Division. All costs associated with these audits shall be the sole responsibility of Downtown.

5. In accordance with N.J.A.C. 13:45A-27.7(c) Downtown, within seven days of the filing of this Order must notify, in writing, each licensed prescriber and healthcare facility who has ordered NJPBs from Downtown within the previous six months, of its termination from the program.

6. Within seven (7) days of receipt of a filed copy of this Consent Order, Downtown shall either destroy or arrange with representatives of the Division to forward to them, or to a third party pre-approved by the Division, all of the materials described in N.J.A.C. 13:45A-27.7(d), to include: computer disks, mechanicals, negatives and other equipment related to its production or distribution of NJPBs. The materials to be destroyed or forwarded are to also include any base stock that remains in Downtown's inventory and any NJPBs that have been formatted or printed for its clients.

7. If Downtown does not forward all said materials to the Division, it shall provide to the Division a certification

verifying the destruction or disposition of such materials. If Downtown forwards said materials and is not reauthorized as a NJPB vendor within four (4) years of the date of this Consent Order, all materials shall be destroyed and proof of such destruction provided to the Division.

8. Within seven (7) days of receipt of a filed copy of this Consent Order, Downtown shall submit to the Division a list of all licensed prescribers and healthcare facilities that ordered NJPB pads from Downtown within the previous six (6) months pursuant to N.J.A.C. 13:45A-27.7(e).

9. The parties hereby stipulate that entry of this Order is without prejudice to further action by the Attorney General, the Drug Control Unit, the Director of the Division of Consumer Affairs or other law enforcement entities, resulting from Respondent's conduct prior to the entry of this Order.

10. Downtown has been specifically informed that it may consult an attorney to represent it in this matter. Downtown acknowledges that it has been advised of the ability to consult with counsel and that it has chosen to voluntarily enter into this Consent Order.

NEW JERSEY DIVISION OF CONSUMER AFFAIRS

By: _____
Steve C. Lee
Acting Director

I have read and understood
this Final Consent Order and
consent to be bound by its terms.

Downtown Printing Center

By: _____ Date: 5/16/16

Juan Ruiz,
Owner/President