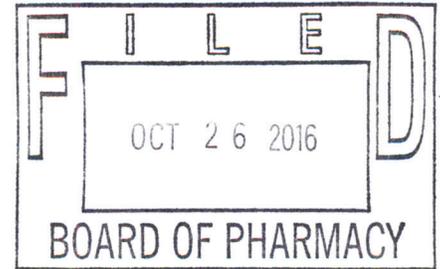


CHRISTOPHER S. PORRINO
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street, 5th Floor
P.O. Box 45029
Newark, New Jersey 07101
Attorney for New Jersey Board of Pharmacy



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 LICENSE OF

CONSENT ORDER

ANDREW J. ZWIERCAN, R.Ph.
License No.: 28RI01649700

TO PRACTICE PHARMACY IN THE
STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Pharmacy ("the Board") upon the receipt of a criminal flagging indicating that Andrew J. Zwiercan, R.Ph. ("Respondent") was arrested on June 20, 2016 by the Garwood Police Department for: obtaining controlled dangerous substance or analog by fraud, in violation in N.J.S.A. 2C:35-13; theft by deception, in violation of N.J.S.A. 2C:20-4A; forgery – false authentication, in violation of N.J.S.A. 2C:21-1A(2).

Respondent admits that, while employed by CVS Pharmacy located in Garwood, New Jersey, he fraudulently filled prescriptions for himself, his dog, and his friend located in Florida

to include Tylenol with Codeine amox-clav, amoxicillin, iophen-c, and cephalixin. Specifically, Respondent used a doctor's phone-in prescription pad and his own Caremark insurance plan to fill the prescriptions. Respondent paid the co-payments for the prescriptions.

Having reviewed all of the information presented, the Board finds that Respondent has engaged in professional misconduct, engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense and engaged in acts constituting crimes of moral turpitude and crimes which relate adversely to the practice of pharmacy in violation of N.J.S.A. 45:1-21(b), (e) and (f), providing a basis for discipline of his license to practice pharmacy in New Jersey.

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;

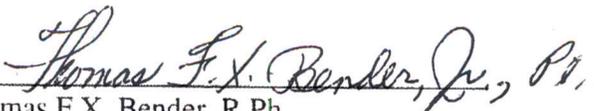
ACCORDINGLY, IT IS on this 26th day of October, 2016,

ORDERED THAT:

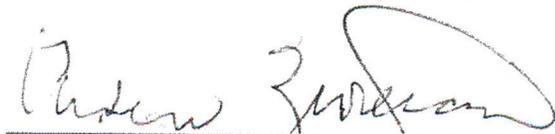
1. Respondent's license to practice pharmacy in the State of New Jersey shall be suspended for a minimum of two (2) years, effective June 20, 2016, the day Respondent ceased practicing as a pharmacist.
2. Prior to Board consideration of any petition for reinstatement, Respondent shall:
 - a. Appear before the Board or a committee thereof to discuss his readiness to re-enter practice as a pharmacist. At that time Respondent shall be prepared to propose his plans for future practice in New Jersey and demonstrate evidence of rehabilitation to the Board's satisfaction. Upon completion of the requirements in paragraphs 2(b) and 2(c) below, but in no event earlier than January 1, 2018, Respondent may request that he be scheduled to appear before the Board consistent with this paragraph.

- b. Submit proof of successful completion, at his own expense, of either the ProBe or Prime ethics course or another ethics course approved in advance by the Board. 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 reservations.
- c. Respondent shall pay a civil penalty of \$5,000.00, which shall be made prior to or upon application for reinstatement. Payment shall be made by bank check, money order, wire transfer or credit card made payable to the State of New Jersey and mailed to the New Jersey State Board of Pharmacy, ATTN: Anthony Rubinaccio, Executive Director, 124 Halsey Street, P.O. Box 45013, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment.

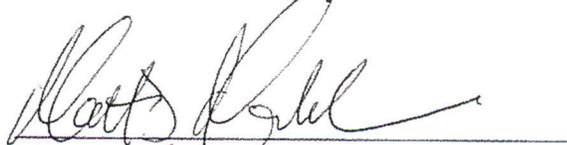
NEW JERSEY STATE BOARD OF PHARMACY

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

I have read the within Order and understand its terms. I consent to the entry of this Order by the New Jersey Board of Pharmacy.


Andrew Zwiercan, R.Ph.

Consent to form and entry:


Matt D. Mandel, Esq.
Attorney for Respondent