



**STATE OF NEW YORK
OFFICE OF THE MEDICAID INSPECTOR GENERAL**
217 Broadway – 9th Floor
New York, New York 10007

ANDREW M. CUOMO
GOVERNOR

JAMES C. COX
MEDICAID INSPECTOR GENERAL

A N Pharmacy, Inc.
D/B/A County Pharmacy, Inc.
580 Nostrand Avenue
Brooklyn, NY 11216-2806
Provider Type: Pharmacy
Provider #01104672

Dhruba Dutta, Owner
24310 Merrick Blvd.
Rosedale, NY 11422-1460
Provider Type: Pharmacy
Provider #01373431

Buddhadeb Majumdar, Owner
119 IU Willets Road
Roslyn, NY 11576
Provider Type: Pharmacy

Mohammad Towhid Aziz, Supervising Pharmacist
580 Nostrand Avenue
Brooklyn, NY 11216-2806
Provider Type: Pharmacy
NPI #:1336564186
License #00058577

Rubin Israel Safir, Pharmacist
309 Church Avenue
Brooklyn, NY 11218-3105
Provider Type: Pharmacy
Provider #01519259

Ummahani Hanif, Pharmacy Technician
1257 Bedford Avenue 3 FL
Brooklyn, NY 11216

NOTICE OF IMMEDIATE AGENCY ACTION
PROVIDER ID #01104672
PROVIDER ID #01373431
PROVIDER ID #01519259

To A N Pharmacy, Inc.D/B/A County Pharmacy, Inc., Dhruba Dutta, Buddhadeb Majumdar,
Mohammad Towhid Aziz, Safir Rubin, Ummahani Hanif:

THE NEW YORK STATE OFFICE OF THE MEDICAID INSPECTOR GENERAL (OMIG) IS IMMEDIATELY
EXCLUDING YOU FROM PARTICIPATION IN THE NEW YORK STATE MEDICAID PROGRAM.

1. OMIG is an independent office in the New York State Department of Health (the "Department"). OMIG has determined to immediately exclude you from participation in the New York State Medicaid program under 18 NYCRR 515.7(d) because the public health or welfare, or the health or welfare of Medicaid recipients, would be immediately endangered by your continued participation in the New York State Medicaid program.
2. This exclusion from the New York State Medicaid program is effective IMMEDIATELY, and will continue until the circumstances or conditions giving rise to the exclusion have been corrected or a further investigation determines that there is insufficient evidence to support a continued exclusion.
3. In addition, no Medicaid payments will be made to you or on your behalf for medical care, services or supplies furnished, ordered or prescribed by you or under your supervision during your exclusion period. You cannot be involved in any activity relating to furnishing medical care, services or supplies to Medicaid recipients for which claims are submitted to the program, or relating to claiming or receiving payment for medical care, services or supplies [see 18 NYCRR 515.5].
4. This exclusion does not affect your rights or the rights of your family members to collect benefits that you or they may be entitled to as beneficiaries under the New York State Medicaid program.
5. This action is being taken based on the unsanitary and unsafe conditions found at your Pharmacy on July 30, 2014. On July 30, 2014 investigators from the Office of the Medicaid Inspector General entered your Pharmacy with the intention of conducting a Credential Verification Review ("CVR").

While in your Pharmacy, OMIG Investigators found six different manufacturer medication containers on the shelves of the pharmacy that had both expiration dates and lot numbers peeled off of these containers. Additionally, OMIG Investigators found 23 expired manufacturer medication containers on the pharmacy shelves. A review of the pharmacy "pick-up" bins found that over 70 filled prescriptions were present in the "pick-up" bins that were filled more than 14 days prior. Some of these filled prescriptions date back to March 2014.

OMIG Investigators also found a garbage pail behind the pharmacy counter that contained regular garbage (food, paper, etc.) as well as random drugs, some of which were identified as being class II drugs. When OMIG Investigators asked about the drugs in the garbage pail, the owner, Buddhadeb Majumdar, stated that staff throws out drugs using the regular garbage pail. In a written statement given to OMIG Investigators, Buddhadeb Majumdar further stated that he utilizes a waste management company, identified as being Omega RX, which goes through his garbage and picks out all of the medications and then disposes of them properly.

OMIG Investigators also observed that the basement in this Pharmacy was filled with empty boxes and bags of garbage, all of which were to be picked up by Omega RX, according to Buddhadeb Majumdar. The boxes and garbage bags were strewn about the Pharmacy basement making it impossible to move freely in the basement. Additionally, the garbage was piled so high that it was just shy of the ceiling joists. OMIG Investigators contacted Omega RX, the waste management company cited by Buddhadeb Majumdar, and spoke with the owner of the company. The owner stated that his company had not picked up garbage at A N Pharmacy since November 2011. On August 6, 2014 OMIG Investigators conducted a follow up on-site visit and observed multiple empty pill bottles mixed in with the garbage but no pills. OMIG Investigators then asked the Pharmacist on site, Safir Ruben, and the owner, Buddhadeb Majumdar, about the empty pill bottles in the garbage pail and both stated that some of the pills were dispensed but neither could account for the whereabouts of all of the pills.

During the CVR the OMIG Investigators also observed other unsafe and unsanitary conditions. In particular, OMIG Investigators observed dusty, dirty and stained floor tiles throughout the Pharmacy. OMIG Investigators also observed garbage bags and boxes stacked and laying around the floors both behind the pharmacy counter as well as around the store floor. In addition, the Pharmacy's mortar and pestle was uncovered and stored next to cleaning supplies under the pharmacy sink. Also, OMIG Investigators observed several ceiling tiles throughout the Pharmacy that were stained from water.

OMIG Investigators also found multiple NYS Medicaid benefit ID cards, Medicaid Managed Care insurance cards, state issued ID's and a Social Security card in a drawer under the pharmacy dispensing area. The pharmacy owner, Buddhadeb Majumdar, stated to OMIG Investigators that customers left these cards behind and he had tried to contact these individuals but Buddhadeb Majumdar could not produce any records showing his attempts to contact. These various ID's were taken by OMIG Investigators utilizing a property receipt.

6. You are not entitled to an administrative hearing to appeal this determination, but you

6. You are not entitled to an administrative hearing to appeal this determination, but you may, within 30 days of the date of this notice, submit written arguments and documentation on the following issues:

- a. whether the determination was based on a mistake of fact; and
- b. whether the sanction imposed was reasonable

7. Submit your written arguments and/or documentation to:

General Counsel
Office of Counsel
NYS Office of the Medicaid Inspector General
800 North Pearl Street
Albany, New York 12204
Telephone (518) 408-5845

8. You will be notified in writing of the decision.


9. OMIG reserves the right to conduct additional audits, reviews, and investigations. You will receive a separate notice of any additional actions this Office may take, including recovery of any overpayments.

10. A copy of this letter will be forwarded to the Department of Health and Human Services (HHS) Office of Inspector General in compliance with 42 CFR 1002.3. An exclusion from HHS will prohibit you from being reinstated into the New York State Medicaid program until you are reinstated into the Medicare program. The submission of an application prior to being reinstated into the Medicare program will result in the automatic withdrawal of your application.

11. The procedure for requesting enrollment or reinstatement into the New York State Medicaid program is described in New York State regulations 18 NYCRR 504.2 and 515.10. An application may be obtained at www.emedny.org or by contacting Computer Sciences Corporation (CSC) at 1-800-343-9000.

Dated: 8/7/2014

Sincerely,



Anna Coschignano
Deputy Medicaid Inspector General
Division of Medicaid Investigations