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**FILED**

NOV 16 2009

**BOARD OF PHARMACY**

By: Megan Cordoma  
Deputy Attorney General  
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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

Administrative Action

Herbert Brandt, R.P.  
License No. 28RI101012800

Consent Order

TO PRACTICE PHARMACY IN THE  
STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Pharmacy upon receipt of information that on or about 9/23/09, Herbert Brandt, R.P. ("respondent") pleaded guilty to one count of Second-Degree Health Care Claims Fraud, in violation of N.J.S.A. 2C:21-4.3a. Specifically, respondent as pharmacist-in-charge and part owner of Pharmacy of America billed insurance companies for and received \$550,000.00 for medications that were never dispensed. As part of respondent's guilty plea, he agreed to surrender his license to practice pharmacy to be deemed a revocation, with no right to re-apply for a minimum period of five years, or until he successfully completes all terms of his criminal sentence, whichever is later.

The parties wishing to avoid formal proceedings before the New Jersey State Board of

Pharmacy, and respondent having waived any right to a hearing in this matter and the Board finding that the above convictions provide grounds for discipline, including the revocation or suspension of respondent's license to practice pharmacy in the State of New Jersey pursuant to N.J.S.A. 45:1-21(b) in that he has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense; N.J.S.A. 45:1-21 (e) in that he has engaged in professional or occupational misconduct; and N.J.S.A. 45:1-21 (f) in that the crimes of which respondent was convicted are crimes of moral turpitude and relate adversely to the practice of pharmacy; and for other good cause shown;

**IT IS THEREFORE ON THIS 6<sup>th</sup> DAY OF Nov, 2009,**

**ORDERED AND AGREED:**

1. Respondent's license to practice pharmacy is hereby revoked with no right to request reinstatement for five (5) years from the date of entry of this Order or until he successfully completes all terms of his criminal sentence, whichever is later.
2. Respondent shall cease and desist from engaging in the practice of pharmacy including 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 advise or consult with patients, and he is prohibited from being present within a prescription filling area of a pharmacy.
3. Within five days of signing this Order, Respondent shall surrender his original wall certificate, his wallet certificate, and the most recent renewal card of his license to an authorized representative of the Board or mail these items to: Executive Director Joanne Boyer, New Jersey Board of Pharmacy, P.O. Box 45013, Newark, New Jersey 07101.
4. Prior to reinstatement, respondent shall appear before the Board of Pharmacy, or a

committee thereof to discuss his readiness to reenter the practice of pharmacy. At that time Respondent shall be prepared to propose his plans for future practice in New Jersey and show evidence of rehabilitation.

5. Upon reinstatement of respondent's license to practice pharmacy, the Board, in its discretion, may impose any conditions or restrictions on licensure it deems necessary to protect the public health, safety and welfare.

NEW JERSEY STATE BOARD OF PHARMACY

By Edward G. McGinley  
Edward G. McGinley R.Ph.  
President

I have read the within Order,  
understand its terms, and agree to  
be bound by them.

Herbert Brandt  
Herbert Brandt, R.P., Respondent

Dated: 9/28/09

Consent as to form and entry:

[Signature]  
Attorney for Respondent

Dated: 9/23/09