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FILED

JUN 09 2010

BOARD OF PHARMACY

By: Bindi Merchant
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

Babak Bamdad, R.P.
License No.: 28RI02778300

TO PRACTICE PHARMACY IN THE
STATE OF NEW JERSEY

CONSENT ORDER

This matter was opened to the New Jersey State Board of Pharmacy (“Board”) upon receipt of information that Babak Bamdad, RP (“Respondent”) was arrested on October 20, 2009, on one count of Health Care Claims Fraud (2nd degree); and one count of Medicaid Fraud (3rd Degree), in violation of N.J.S.A. 2C:21-4.3 and N.J.S.A. 30:4D-17, based on conduct related to his employment as a pharmacist-in-charge and permit holder (Permit Number 28RS00497700) at Tucker Drugs in Hoboken, New Jersey. Respondent has represented that he sold Tucker Drugs on November 23, 2009.

On 6-1-10, Respondent pled guilty to third degree Medicaid fraud, in violation of N.J.S.A. 30:4D-17(b).

The above conviction provides 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/or relate adversely to the practice of pharmacy.

The Board, being satisfied that entry of the within Order is adequately protective of the public health, safety and welfare and being satisfied that good cause exists for the entry of the within Order,

IT IS, therefore on this 9th day of JUNE, 2010

ORDERED THAT:

1. Respondent's license to practice pharmacy in the State of New Jersey be and hereby is suspended for a minimum period of 30 months. This period of active suspension shall begin effective the date Respondent enters into his criminal plea.
2. Upon commencement of active suspension, Respondent shall cease and desist from engaging in the practice of pharmacy, which includes, but is not limited to 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; he shall not be involved in any financial matters or management of a pharmacy, and he is prohibited from being present within any area of a pharmacy.
3. Respondent shall surrender his original wall certificate, his wallet certificate, and

the most recent renewal card of his license to the Executive Director of the board immediately upon the entry of this Order by mailing same to Joanne Boyer, Executive Director, Board of Pharmacy, P.O., Box 45013, Newark, New Jersey 07101.

4. Prior to reinstatement of Respondent's license to practice pharmacy, Respondent shall appear before the Board, to demonstrate his compliance with the terms of his criminal sentence, and 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.P.
Board President

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

B. Bamdad
Babak Bamdad, R.P.

Consent as to form and entry:

Pamela Mandel Esq.
Pamela Mandel, Esq.
Attorney for Respondent