

FILED

JUL 14 2010

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND ~~BOARD OF PHARMACY~~
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION OR	:	
REVOCAION OF THE CERTIFICATION OF	:	Administrative Action
	:	
Michael Fussell	:	FINAL ORDER OF
Registration No.: 28RW⁰¹⁰⁷⁰⁸⁰⁰0070800	:	DISCIPLINE
	:	
TO PRACTICE AS A PHARMACY TECHNICIAN	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Pharmacy (hereinafter "the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Michael Fussell ("Respondent") is registered as a pharmacy technician in the State of New Jersey and has been registered at all relevant times herein.
2. The Board received a report dated June 11, 2009 from Right Aid Pharmacy #10405 notifying the Board that Respondent was terminated from his employment at Rite-Aid as a technician because he admitted to stealing medication. Specifically, Respondent admitted in a written statement that he took 100 tablets of the generic for Ambien .

CONCLUSIONS OF LAW

Respondent's admitted theft of medication, including controlled dangerous substances, without valid prescriptions, provides grounds to take disciplinary action against Respondent's registration to practice as a pharmacy technician in New Jersey pursuant to N.J.S.A. 45:1-21(b),(e),

and (f) in that, Respondent has engaged in the use or employment of dishonesty, deception, or misrepresentation, has engaged in professional misconduct, and has engaged in acts constituting a crime or offense relating adversely to the practice of pharmacy, the activity regulated by the Board.

DISCUSSION

1. Based on the forgoing findings and conclusions, a Provisional Order of Discipline (POD) was entered by this Board on May 7, 2010 provisionally suspending the Respondent's license to practice as a Pharmacy Technician in the State of New Jersey.

2. On or about May 7, 2010 a copy of the Provisional Order, which accorded Respondent 30 business days in which to request modification or dismissal of the Order, was forwarded to his address of record by regular and certified mail. The certified slip mailed with the Provisional Order was signed for and returned to the Board on or about May 14, 2010. The Provisional Order sent by regular mail was not returned by the Post Office as undeliverable. The Board deems service to have been effectuated. To date Respondent has not submitted a response to the Provisional Order. Accordingly, it is determined that further proceedings are not necessary and the Provisional Order should be made final.

**IT IS, therefore on this 14th day of July, 2010
ORDERED THAT**

1. Respondent's registration to practice as a pharmacy technician in the State of New Jersey be and is hereby provisionally suspended for a minimum period of five (5) years from the date of the entry of any Final Order in this matter.

2. Respondent shall immediately cease and desist from engaging in practice as a pharmacy technician which includes, but is not limited to the following: respondent shall not retrieve prescription files or patient files; shall not prepare medication labels; shall not engage in data entry

for any pharmacy, shall not count, weigh, measure, pour or compound prescription medication or stock prescription legend drugs or controlled substances; shall not fill an automated medication system; shall not accept authorization for a prescription refill or renewal; shall not handle anything requiring a prescription, including devices and medications; respondent shall not handle prescriptions; and shall not be present within a prescription filling area of a pharmacy.

NEW JERSEY STATE BOARD OF PHARMACY

By: Edward G. McGinley
Edward G. McGinley, R.Ph.
Board President