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FILED

JAN 13 2012

BOARD OF PHARMACY

By: Megan K. Cordoma
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION OR
REVOCATION OF THE REGISTRATION OF

Michael Baggiano
Reg. No. 28RW01104900

CONSENT ORDER
OF
VOLUNTARY SURRENDER
OF REGISTRATION

TO PRACTICE AS A PHARMACY TECHNICIAN
IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Pharmacy (Board) upon receipt of information alleging that Michael Baggiano, pharmacy technician (Respondent) used his home computer on multiple occasions throughout 2011 to access Clayton Hometown Pharmacy's controlled substance software, ordered controlled dangerous substances without authorization, and finally improperly diverted the CDS after it was delivered to the pharmacy for his own consumption and to be sold.

The allegations, if proven, would demonstrate 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).

It appearing that respondent wishes to voluntarily enter into an interim agreement without making admissions and the Board finding the within disposition adequately protective of the public health, safety and welfare, and other good cause having been shown;

IT IS, therefore on this 13th day of January, 2012

ORDERED THAT:

1. Respondent is hereby granted leave and shall immediately surrender his license to practice as a pharmacy technician in the State of New Jersey pending disposition of any criminal charges and further Order of the Board. Disposition of the criminal charges means dismissal of the criminal charges or full compliance with any and all terms of criminal sentencing and/or probation.

2. Respondent shall surrender his original wall certificate, his wallet certificate, and the most recent renewal card of his registration to the Executive Director of the Board immediately upon the entry of this Order by mailing same to Anthony Rubinaccio, Executive Director, Board of Pharmacy, P. O. Box 45013, Newark, New Jersey 07101.

3. 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.

4. The Board reserves the right to place restrictions and/or limitations upon Respondent's registration to practice as a pharmacy technician in the State of New Jersey in the event that his registration is reinstated.

5. Nothing contained herein shall be deemed an admission of liability on the part of the Respondent.

6. The entry of the within Order is without prejudice to the further investigation, prosecution and/or initiation of disciplinary action based upon any violations by respondent of any statutes or regulations governing the practice of pharmacy in the State or any violations of law, by the Board, the Attorney General or any other regulatory or law enforcement agency, including but

not limited to the conduct underlying the events described in this Order and any pending matters under investigation.

NEW JERSEY STATE BOARD OF PHARMACY

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

I have read the within Order
and agree to its terms.



Michael Baggiano
Pharmacy Technician

not limited to the conduct underlying the events described in this Order and any pending matters under investigation.

NEW JERSEY STATE BOARD OF PHARMACY

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

I have read the within Order and agree to its terms.

Michael Baggiano
Michael Baggiano
Pharmacy Technician