

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Robert M. Fydenkevez, R. Ph.)
License Number: PH19329)
Expiration: December 31, 2016)

PHA-2015-0123

Received

FEB 25 2016

CONSENT AGREEMENT FOR REPRIMAND

BOARD OF
PHARMACY

The Massachusetts Board of Registration in Pharmacy ("Board") and Robert M. Fydenkevez ("Licensee"), a pharmacist licensed by the Board, license number PH19329, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Licensee's record maintained by the Board:

1. The Licensee acknowledges that the Board opened a Complaint against his Massachusetts pharmacist license related to the conduct set forth in Paragraph 2, identified as Docket Number PHA-2015-00123 ("Complaint").
2. The Board and the Licensee acknowledge and agree to the following facts:
 - a. On or about January 21 2015, Licensee was the Manager of Record of Deerfield Pharmacy ("Pharmacy"), DS2102, located in South Deerfield, Massachusetts. As described in 247 CMR 6.07, Licensee, as Manager of Record, was responsible for the operation of the Pharmacy in compliance with 247 CMR 2.00 *et seq.* and applicable state and federal laws and regulations.
 - b. On or about January 21, 2015, Board investigators inspected the Pharmacy and observed the following deficiencies:
 - i. The Pharmacy did not have a sign informing patients about counseling, in violation of 247 CMR 9.07(3)(c).
 - ii. The Pharmacy did not have a designated counseling area, in violation of 247 CMR 6.01(5)(d)(1).
 - iii. The Pharmacy did not have a sign indicating the Pharmacy had lock boxes available, in violation of M.G.L. c. 94C, § 21B.

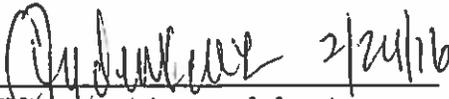
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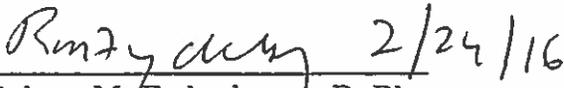
- iv. The Pharmacy failed to conduct perpetual inventory every 10 days, in violation of 247 CMR 6.07(1)(e), and existing perpetual inventories were inaccurate.
 - v. The Pharmacy's CQI program did not comply with 247 CMR 15.00.
 - vi. The Pharmacy did not maintain documentation pertaining to disposal of expired controlled substances.
 - vii. The Pharmacy's sink did not have hot water, in violation of 247 CMR 6.01(5)(a)(7).
 - viii. The Pharmacy had expired medications in its inventory, in violation of 247 CMR 9.01(10).
 - ix. The Pharmacy did not have policies and procedures pertaining to non-sterile compounding, in violation of 247 CMR 9.01(3).
 - x. The compounding area was not maintained in a clean and sanitary manner, in violation of 247 CMR 9.01(3).
 - xi. The Pharmacy failed to maintain master formulation records and compounding records, in violation of 247 CMR 9.01(3).
3. The Licensee acknowledges that the foregoing facts warrant disciplinary action by the Board under M.G.L. c. 12, §§ 42A and 61 and under 247 CMR 10.03.
 4. The Board acknowledges the receipt of documentation demonstrating:
 - a. successful completion of at least two (2) contact hours of continuing education in Pharmacy Law;
 - b. successful completion of at least two (2) contact hours of continuing education in Fraud, Waste and Abuse;
 - c. successful completion of at least two (2) contact hours of continuing education in Medication Safety;
 - d. Licensee read and reviewed 247 CMR 6.00, 9.00, and 15.00; and
 - e. Licensee read and reviewed M.G.L c. 94C.

The Licensee and the Board acknowledge that the Board's receipt of this documentation was a precondition to be met before the Board entered into this Agreement.

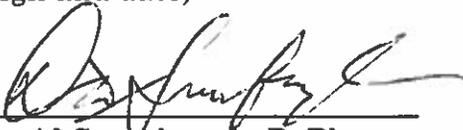
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10. The Licensee certifies that he has read this Agreement. The Licensee understands and agrees that entering into this Agreement is a voluntary and final act and not subject to reconsideration, appeal or judicial review.

 2/24/16
Witness (sign and date)

 2/24/16
Robert M. Fydenkevez, R. Ph.
(sign and date)

3-10-16
Effective Date of Reprimand Agreement


David Sencabaugh, R. Ph.
Executive Director
Board of Registration in Pharmacy

Fully Signed Agreement Sent to Registrant on 3/10/16 by
Certified Mail No. 7015 3010 6001 6944 5093

Robert M. Fydenkevez, R.Ph.
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