

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN PHARMACY

In the Matter of       )  
Alexander Doyle       )  
PH26776                )

PHA-2017-0016

CONSENT AGREEMENT FOR PROBATION

The Massachusetts Board of Registration in Pharmacy ("Board") and Alexander Doyle ("Licensee"), PH26776, 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. Licensee acknowledges the Board opened a complaint against his Massachusetts pharmacist license related to the conduct set forth in Paragraph 2, identified as Docket No. PHA-2017-0016.<sup>1</sup>
2. The Board and Licensee acknowledge and agree to the following facts:
  - a. Licensee was the manager of record of Conley's Drug Store ("Pharmacy"), DS89731, located in Gloucester, Massachusetts in August 2016 and at all times relevant to this Agreement.
  - b. 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.
  - c. On or about August 10 & 11, 2016, Board investigators inspected the Pharmacy and observed the following deficiencies:
    - i. Failure to reconcile the perpetual inventory at least once every 10 days, in violation of 247 CMR 9.01(14);
    - ii. Failure to maintain accurate perpetual inventory, in violation of 247 CMR 9.01(14);

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<sup>1</sup> The term "license" applies to both a current license and the right to renew an expired license.

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- iii. Numerous expired medications stored in active inventory, in violation of 247 CMR 9.01(5) and 247 CMR 9.01(10);
  - iv. Storage of controlled substances outside the prescription area, in violation of 247 CMR 6.02(6)(a);
  - v. Possession of an a prescription bottle that had been filled at a Rite Aid Pharmacy, in violation of 247 CMR 9.01(4);
  - vi. Pharmacy technicians practicing with expired pharmacy technician licenses;
  - vii. Failure to comply with lock box signage requirement, in violation of M.G.L. c. 94C, § 21B;
  - viii. Pharmacy technicians performed reconciliation of Schedule II controlled substances and made entries in the perpetual inventory, in violation of 247 CMR 8.05(1);
  - ix. Failure to maintain documentation pertaining to reverse distribution of controlled substances, in violation of 21 CFR 1305.21;
  - x. Non-sterile compounding records were incomplete and inaccurate, in violation of USP 795 and 247 CMR 9.01(3);
  - xi. Quality related event reports were not available, in violation of 247 CMR 15.04.
- d. On or about January 30, 2017, Board investigators inspected the Pharmacy and observed the following deficiencies:
- i. Labels generated from the Script-Pro show expiration date greater than one year;
  - ii. Immunization standing order did not contain a prescriber signature;
  - iii. Epinephrine standing order did not contain a prescriber signature.



3. The Board and Licensee acknowledge and agree that Licensee's conduct described in Paragraph 2 warrants disciplinary action by the Board under M.G.L. c. 112, §§ 42A & 61 and 247 CMR 10.03(1)(a), (b), (v), and (x).
4. Licensee agrees that his pharmacist license shall be placed on PROBATION for one (1) year ("Probationary Period"), commencing with the date on which the Board signs this Agreement ("Effective Date").
5. During the Probationary Period, the Licensee agrees that he shall comply in all material respects with all laws and regulations governing the practice of pharmacy and the United States Pharmacopeia.
6. During the Probationary Period, Licensee further agrees that he shall:
  - a. Refrain from precepting any IPPE or APPE student on rotation;
  - b. Refrain from serving as a manager of record of any pharmacy; and
  - c. Submit documentation demonstrating successful completion of five (5) contact hours of continuing education in the area of USP 795 non-sterile compounding<sup>2</sup>; and
  - d. Submit documentation demonstrating Licensee read and reviewed 247 CMR 2.00 – 21.00.
7. The Board agrees that in return for Licensee's execution and successful compliance with the requirements of this Agreement it will not prosecute the Complaint.
8. If the Licensee has complied to the Board's satisfaction with all the requirements contained in this Agreement, the Probationary Period will terminate one (1) year after the Effective Date upon written notice to the Licensee from the Board<sup>3</sup>.

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<sup>2</sup> This continuing education requirement shall be *in addition to* any contact hours required by M.G. L. c. 112, § 24A.

<sup>3</sup> In all instances where this Agreement specifies written notice to the Licensee from the Board, such notice shall be sent to the Licensee's address of record.

9. If the Licensee does not materially comply with each requirement of this Agreement, or if the Board opens a Subsequent Complaint<sup>4</sup> during the Probationary Period, the Licensee agrees to the following:
- a. The Board may upon written notice to the Licensee, as warranted to protect the public health, safety, or welfare:
    - i. EXTEND the Probationary Period; and/or
    - ii. MODIFY the Probation Agreement requirements; and/or
    - iii. IMMEDIATELY SUSPEND the Licensee's pharmacist license.
  - b. If the Board suspends the Licensee's pharmacy license pursuant to Paragraph 9(a)(iii), the suspension shall remain in effect until:
    - i. the Board provides Licensee written notice that the Probationary Period is to be resumed and under what terms; or
    - ii. the Board and Licensee sign a subsequent agreement; or
    - iii. the Board issues a written final decision and order following adjudication of the allegations (1) of noncompliance with this Agreement, and/ or (2) contained in the Subsequent Complaint.
10. Licensee agrees that if the Board suspends his pharmacist license in accordance with Paragraph 9, he will immediately return his current Massachusetts pharmacist license to the Board, by hand or certified mail. Licensee further agrees that upon said suspension, he will no longer be authorized to practice as a pharmacist in the Commonwealth of Massachusetts and shall not in any way represent himself as a pharmacist until such time as the Board reinstates his pharmacist license or right to renew such license.

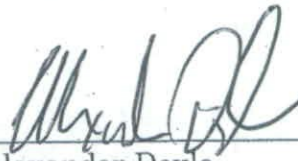
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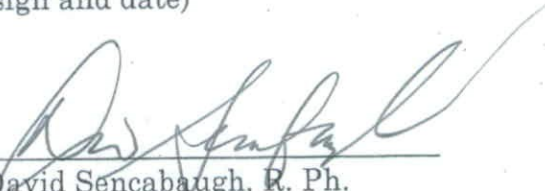
<sup>4</sup> The term "Subsequent Complaint" applies to a complaint opened after the Effective Date concerning acts, omissions, or events occurring after the Effective Date, which (1) alleges that the Licensee engaged in conduct that violates Board statutes or regulations, and (2) is substantiated by evidence, as determined following the complaint investigation during which the Licensee shall have an opportunity to respond.



11. Licensee understands that he has a right to formal adjudicatory hearing concerning the Complaint and that during said adjudication he would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, to appeal to the courts, and all other rights as set forth in the Massachusetts Administrative Procedures Act, M.G.L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 et seq. The Licensee further understands that by executing this Agreement he is knowingly and voluntarily waiving his right to a formal adjudication of the Complaints.
12. The Licensee acknowledges that he has been represented by legal counsel in connection with the Complaint and this Agreement.
13. The Licensee acknowledges that after the Effective Date, the Agreement constitutes a public record of disciplinary action by the Board. The Board may forward a copy of this Agreement to other licensing boards, law enforcement entities, and other individuals or entities as required or permitted by law.
14. 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.

  
Witness (sign and date)

  
Alexander Doyle  
(sign and date)

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

3/20/19  
Effective Date of Probation Agreement

Alexander Doyle  
PH26776  
PHA-2017-0016

Fully Signed Agreement Sent to Licensee on 3/27/19 by  
Certified

Mail No. 7017 2400 0000 2805 8242

Alexander Doyle  
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