

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

Received
FEB 02 2010

In the Matter of)
Alfred Battaglini, Jr., R.Ph.)
Pharmacist Registration No. 13477)
_____)

Docket No. PHA20100004
BOARD OF
PHARMACY

CONSENT AGREEMENT

The Board of Registration in Pharmacy ("Board") and Alfred Battaglini, Jr., R.Ph. ("Registrant"), a pharmacist registered by the Board (Pharmacist Registration No. 13477), do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the file of the Registrant which is maintained by the Board:

1. The parties enter into this Consent Agreement ("Agreement") in order to resolve disputed matters arising out of a complaint pending against the Registrant before the Board as Docket No. PHA20100004 (the "Complaint").
2. The Registrant acknowledges that he knowingly signed a renewal of his pharmacist license in which he attested "under the penalties of perjury" that he had fulfilled requisite continuing education (CE) requirements for the period 2007 and 2008, yet when audited by the Board, the Registrant provided no evidence of completing the required thirty (30) CEs in 2007 and 2008, in violation of 247 CMR 4.03(3), 9.01(1) and 9.01(6) and 10.03 (1)(a)(p)(w) and G.L. c. 112, s. 61.
3. The Registrant acknowledges that at the time he signed the renewal form referenced in Paragraph 2 above, he was working at CVS/pharmacy #1869, located at 1080 Falmouth Road, in Hyannis, MA 02601, (Permit Number 3337).
4. Accordingly, the Registrant freely acknowledges and agrees to the following:
 - a. That his conduct as described in Paragraph 2 above warrants disciplinary action by the Board for conduct in violation of G.L. c. 112, s. 61 and 247 CMR 4.03(3), 9.01(1), and 9.01(6);
 - b. That his pharmacist license is hereby **REPRIMANDED** by the Board;
 - c. That he must take and pass the Multistate Pharmacy Jurisprudence Examination (MPJE) with a score of at least 75% within six months of the effective date of this Agreement; and
 - d. That he must complete forty-five (45) hours of Continuing Education (CE) to include fifteen (15) hours of LIVE CE, which may not be used for license renewal in 2009 / 2010 with original certificates of completion to be submitted to the Board within six months of the effective date of this Agreement.

5. The Agreement and its contents shall become a part of the records maintained by the Board, and as such, are public records subject to disclosure to the public, other licensing boards, and the National Association of Boards of Pharmacy.


6. In consideration of Registrant's execution of this Agreement, the Board will not advance the prosecution of the Registrant pursuant to the Complaint; any and all other rights of the Board to take action within the scope of its authority are expressly reserved.

7. The Registrant understands and agrees that his failure to satisfy the terms of this Agreement shall constitute grounds for the Board to take additional disciplinary action regarding the License of the Registrant without the requirement for additional proceedings pursuant to the State Administrative Procedure Act (G.L. c. 30A) and 801 CMR 1.00 *et. seq.*

8. The Registrant understands and agrees that his decision to enter into this Agreement and to accept the terms and conditions herein described is a final act and is not subject to reconsideration or judicial review.

9. The Registrant states that he has used legal counsel in connection with his decision to enter into this Agreement or, if he did not, that he had an opportunity to do so and that his decision to enter into this Agreement was made of his own free will.

10. Registrant certifies that he has read this document entitled "Consent Agreement". The Registrant understands that, by executing this Agreement, he is waiving his right to a formal hearing at which he would possess the rights 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 court in the event of an adverse ruling, and all other rights set forth in the State Administrative Procedure Act, G.L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et seq.*

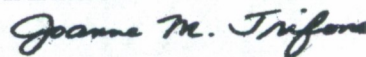

Witness (signature)

Michael BATTAGLINI
Witness (print name)

Alfred Battaglini, Jr., R.Ph.
Registrant

Date: 11-28-10

BOARD OF REGISTRATION
IN PHARMACY



Joanne M. Trifone, RPh,
President

Effective Date: 2/13/2010

Dec. No. 2255