

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN PHARMACY

In the Matter of )  
Andre Barboza )  
PT24462 )

PHA-2020-0050

**CONSENT AGREEMENT FOR VOLUNTARY SURRENDER**

The Massachusetts Board of Registration in Pharmacy ("Board") and Andre Barboza ("Licensee"), a pharmacy technician licensed by the Board, PT24462, 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 pharmacy technician license related to the conduct set forth in Paragraph 2, identified as Docket No. PHA-2020-0050 ("the Complaint").<sup>1</sup>
2. The Board and the Licensee acknowledge and agree to the following facts:
  - a. In and about May 2020, Licensee worked as a pharmacy technician at Walgreens # 2325 ("Pharmacy") in Lynn, Massachusetts.
  - b. In or about May 2020, Licensee diverted approximately 504 ml promethazine/codeine 10mg-6.25mg syrup from the Pharmacy.
  - c. Licensee did not have a valid prescription for said promethazine/codeine.
3. The Licensee agrees the conduct described in Paragraph 2 constitutes a violation of M.G.L. c. 94C, § 34 and warrants disciplinary action by the Board under M.G.L. c. 112, §§ 42A and 61, 247 CMR 10.03(1)(h) & (x).
4. The Licensee agrees to SURRENDER his pharmacy technician license for an indefinite period of time and refrain from practicing as a pharmacy technician and from working in any pharmacy-related setting in Massachusetts, commencing with the date on which the Board signs this Agreement ("Effective Date").

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

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5. The Licensee agrees that he will not practice as a pharmacy technician or work in a pharmacy related setting in Massachusetts from the Effective Date unless and until the Board reinstates his license.<sup>2</sup>
6. The Board agrees that in return for the Licensee's execution of this Agreement it will not prosecute the Complaint.
7. The Licensee understands that he has a right to formal adjudicatory hearing concerning the allegations against him 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 Complaint.
8. The Licensee acknowledges that he has been at all times free to seek and use legal counsel in connection with the Complaint and this Agreement.
9. 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.

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<sup>2</sup> The Licensee understands that practice as a licensed pharmacy technician includes, but is not limited to, seeking and/or accepting a paid or voluntary position as a licensed pharmacy technician, or a paid or voluntary position requiring that the applicant hold a current pharmacy technician license. The Licensee further understands that if he accepts a voluntary or paid position as a pharmacy technician, or engages in any practice of pharmacy after the Effective Date and before the Board formally reinstates his license, evidence of such practice shall be grounds for the Board's referral of any such unlicensed practice to the appropriate law enforcement authorities for prosecution.

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

Maria Pires  
Witness (sign and date)  
Maria Pires  
10/21/2020

Andre Barboza 10/21/2020  
Andre Barboza  
(sign and date)

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

11-20-20  
Effective Date

Fully Signed Agreement Sent to Licensee on 12/3/2020 by Certified Mail  
No. 7 020 1810 0002 3137 5389