

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Ann Harwood)
PH17959)

PHA-2021-0015

CONSENT AGREEMENT FOR VOLUNTARY SURRENDER

The Massachusetts Board of Registration in Pharmacy ("Board") and Ann Harwood ("Licensee"), a pharmacist licensed by the Board, PH17959, 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 her Massachusetts pharmacist license related to the conduct set forth in Paragraph 2, identified as Docket No. PHA-2021-0015 ("the Complaint").¹
2. The Board and the Licensee acknowledge and agree to the following facts:
 - a. In and about June 2020, Licensee worked as a pharmacist at Price Chopper Pharmacy # 240 ("Pharmacy") located in Webster, Massachusetts.
 - b. Board investigators inspected the Pharmacy on June 25, 2020 and observed five medications in active inventory with nearly empty and/or variably filled capsules. Specifically, investigators observed the following medications with nearly empty and/or variably filled capsules: Adderall XR 15 mg, Adderall XR 25 mg, Focalin XR 40 mg, dextroamphetamine/amphetamine XR 25 mg, and dextroamphetamine/amphetamine XR 30 mg. Investigators also observed a partially filled capsule of methylphenidate 20 mg.
 - c. Board investigators observed a handwritten note in the Schedule II perpetual logbook indicating a patient complaint of finding empty generic Adderall XR 15 mg capsules more than once. The note is dated April 4, 2015 and April 29, 2015.

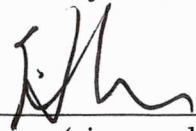
¹ The term "license" includes a current license and the right to renew an expired license.


- d. The Pharmacy states its surveillance video dated April 14, 2020, April 16, 2020, May 5, 2020, and May 16, 2020 shows Licensee opening the Schedule II locked drawer, removing a bottle, emptying contents of capsules into an empty amber vial, returning capsules to original container, and walking to another room.
 - e. Board investigators reviewed surveillance video dated April 14, 2020, April 16, 2020, May 5, 2020, and May 16, 2020 and noted the video was not clear enough to discern exactly what Licensee was doing with her hands. However, the surveillance video showed Licensee accessing the Schedule II locked drawer.
 - f. On April 14, 2020, April 16, 2020, May 5, 2020, and May 16, 2020, Licensee did make any documentation in the Schedule II perpetual for stimulants. Additionally, on those dates, there were no electronic "adjudication" or "ready" transactions for Schedule II stimulant capsules.
 - g. On or about April 17, 2020, a customer approached the Pharmacy after noticing her Adderall XR 25 mg capsules were partially filled. Surveillance video shows the following: the customer approached the pharmacy counter; Licensee, from the pharmacist workbench, directed customer to consultation room; Licensee retrieved items from the pharmacist workbench prior to entering the consultation room. The customer reported Licensee replaced the Adderall XR 25 mg capsules. Licensee did not document this incident or report this incident to the Manager of Record or her employer. Further, the transaction was not document in the Schedule II perpetual inventory.
- 3. The Licensee agrees the facts described in Paragraph 2 warrants disciplinary action by the Board under M.G.L. c. 112, §§ 42A and 61, 247 CMR 10.03(1)(a) & (v).
 - 4. The Licensee agrees to SURRENDER her pharmacist license for an indefinite period of time and refrain from practicing as a pharmacist and from working in any pharmacy-related setting in Massachusetts, commencing with the date on which the Board signs this Agreement ("Effective Date").

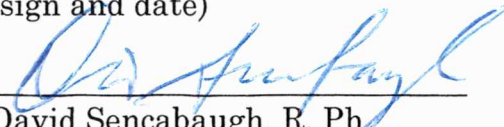
5. The Licensee agrees that she will not practice as a pharmacist or work in a pharmacy related setting in Massachusetts from the Effective Date unless and until the Board reinstates her license.²
6. The Board agrees that in return for the Licensee's execution of this Agreement it will not prosecute the Complaint.
7. The Licensee understands that she has a right to formal adjudicatory hearing concerning the allegations against her and that during said adjudication she would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on her 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 she is knowingly and voluntarily waiving her right to a formal adjudication of the Complaint.
8. The Licensee acknowledges that she has been represented by 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.

² The Licensee understands that practice as a licensed pharmacist includes, but is not limited to, seeking and/or accepting a paid or voluntary position as a licensed pharmacist, or a paid or voluntary position requiring that the applicant hold a current pharmacist license. The Licensee further understands that if she accepts a voluntary or paid position as a pharmacist, or engages in any practice of pharmacy after the Effective Date and before the Board formally reinstates her 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 she 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.

 9/27/21
Witness (sign and date)

 9/27/21
Ann Harwood
(sign and date)


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

10-15-21
Effective Date

Fully Signed Agreement Sent to Licensee on 4/14/2022 by Certified Mail
No. 2021192000015218776