

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Anne Marie Alexander, R.Ph.)
Pharmacist Registration No. 20359)

Docket No. PHA20090156

Received
JAN 11 2010

BOARD OF
PHARMACY

CONSENT AGREEMENT

The Board of Registration in Pharmacy ("Board") and **Anne Marie Alexander, R.Ph.** ("Registrant"), a pharmacist registered by the Board (Pharmacist Registration No. 20359), do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the file of Registrant which is maintained by the Board:

1. The parties enter into this Consent Agreement ("Agreement") to resolve disputed matters arising out of the complaint pending against Registrant before the Board as Docket No. PHA20090156 ("Complaint").
2. The Registrant acknowledges and agrees that this Agreement has been entered into as a result of her admission to the diversion, for personal use, of controlled substances and the suspension of her license to practice pharmacy (License No. 17570) in the State of Colorado by the Colorado Ste Board of Pharmacy (case No. 2009-3303) as set forth in that certain *Stipulation and Final Agency Order* Registrant accepted and agreed to dated July 25, 2009 ("Colorado Order").
3. Registrant previously entered into a: (a) Consent Agreement with the Board dated October 25, 2000; and (b) contract with the Massachusetts Professional Recovery System ("MPRS") dated April 4, 2000, related to her diversion of controlled substances for personal use during the period from 1998-1999 (Board Complaint Docket No. PH-00-122).
4. Accordingly, the Registrant freely agrees to the following:
 - a. that her conduct described in Paragraph 2 above constitutes professional misconduct warranting Board disciplinary action pursuant to G.L. c. 112, § 61 and Board Regulations 247 CMR 9.01(1) and 10.03, subsections (1)(a); 10.03(1)(b); 10.03(1)(e); 10.03(1)(g); 10.03(1)(l); 10.03(1)(u); and 10.03(1)(w);
 - b. that her Massachusetts Pharmacist registration No. 20359 shall be **SUSPENDED** by the Board indefinitely, commencing as of the Effective Date of the Agreement ("Suspension Period"). The Registrant acknowledges and agrees that the Board will not review any petition for termination of the Suspension Period prior to the return of her

license to good standing (no practice restrictions, monitoring conditions or probation or other status) in the State of Colorado Board. Registrant shall be required to have complied with terms and conditions of the Colorado Order. At the time of any petition to terminate the Suspension Period, the Board will consider all information pertaining to Registrant's fitness to resume the practice of pharmacy, including any criminal history or pending criminal matters occurring after the date of this Agreement. If the Board determines that Registrant is in compliance with all required terms of this Agreement and that return to pharmacy practice in the Commonwealth is in the best interest of the public, the Board may terminate the Suspension Period and place Registrant's license on probationary status for such period and on such terms and conditions as may be determined to be appropriate by the Board. The Registrant may be required to appear before the Board in connection with any petition to terminate the Suspension Period. The Board will not consider such a petition without a recommendation from the Colorado Board and any supporting documentation required by the Board; and

c. the Registrant agrees to return a signed copy of this Agreement to the Board within ten (10) days of receipt.

5. Registrant agrees that the termination of the Suspension Period shall be granted only if she has met the following conditions:

- a. Registrant must apply in writing to the Board for termination of the Suspension Period as set forth above;
- b. Registrant has provided satisfactory documentation, as may be required by relating to her Colorado pharmacist license and any other pharmacy license or registration she has been issued and successfully completion of any all contracts agreements, or orders related thereto; and
- c. Registrant has fully complied with all terms and conditions of this Agreement and meets all other requirements for licensure.

6. This Agreement and its contents shall be incorporated into the records maintained by the Board, are matters of public record, subject to disclosure, without limitation, to the public and equivalent state licensing boards.

7. The Board agrees that in return for the 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.

8. The Registrant understands and agrees that her failure to comply with the terms of this Agreement shall nullify the representations contained in Paragraph 8, and permit the Board to initiate formal adjudicatory action under the State Administrative Procedure Act, G.L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.00 *et. seq.*

9. The Registrant understands and agrees that, at any time during the Suspension Period, upon a determination by the Board of any violation of any of the terms and conditions of this Agreement

or any agreement or contract as related to her Colorado pharmacist license, the Board may move to REVOKE her suspended Massachusetts pharmacist license without the requirement of any adjudicatory proceedings pursuant to G.L. c. 30A.

10. The Registrant understands and agrees that her 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.

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

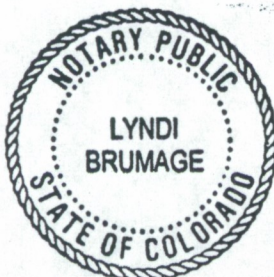
12. The Registrant certifies that she has read this document entitled "Consent Agreement". The Registrant understands that, by executing this Agreement, she is waiving his right to a formal hearing at which she would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on her own behalf, to contest the allegations, to present oral argument, to appeal to court in the event of an adverse ruling, and all other rights set forth in G.L. c. 30A and 801 CMR 1.01 *et seq.* Registrant states that she further understands that in executing this document entitled "Consent Agreement", she is knowingly and voluntarily waiving her right to a formal hearing and to all of the above listed rights.

[Signature]
Witness (sign name)

Amy Lyall
Witness (print name)

Lyndi Brumage
Lyndi Brumage
1/8/10

Decision No. 2180



My Comm Exp 10-20-2012

[Signature]
Anne Marie Alexander, R.Ph.

Effective Date: 1.8.2010

BOARD OF REGISTRATION
IN PHARMACY

By: Joanne M. Trifone

Joanne M. Trifone, R.Ph.

President

Date: 01/11/2010