

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN PHARMACY

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In the Matter of )  
BALDWIN IHENACHO )  
Pharmacist Registration No. 19176 )  
Registration **suspended 11/01/08** )  
Registration expired 12/31/08 )  
)

Docket No. 2008 1023 PH 054

CONSENT AGREEMENT FOR INDEFINITE SURRENDER

The Massachusetts Board of Registration in Pharmacy ("Board") and registered pharmacist Baldwin Ihenacho ("Licensee"), Registration No. PH 19176, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Licensee's record as maintained by the Board:

1. The Licensee acknowledges that a complaint -2008 1023 PH 054- has been filed with the Board against his Massachusetts pharmacist registration ("registration"<sup>1</sup>) related to the conduct and convictions set forth in paragraph 2, identified as Docket No. PHA-2012-0246 ("the Complaint").
2. The Licensee acknowledges that while he was the Manager of Record for Meetinghouse Pharmacy in Dorchester, Massachusetts in and around 2008, Meetinghouse Pharmacy was cited for multiple violations of Board regulations. The Licensee further acknowledges that he was indicted in November of 2008 on charges relating to the pharmacy's internet drug sales and subsequently convicted on 30 felony counts of distributing and dispensing controlled substances, misbranding drugs, and money laundering and/or conspiracy to commit these offenses. He was committed to federal custody to be followed by a term of probation.
3. The Licensee admits that the convictions referenced in Paragraph 2 of this Surrender Agreement failed to comply with the Board's regulations at 247 Code of Massachusetts Regulations ("CMR") 6.01 (5)(a)(7), (5)(b), (5)(d), 6.02(1), and 9.01(5) and warrants disciplinary action by the Board under Massachusetts General Laws ("G.L.") Chapter 112, section 61 and Board regulations at 247

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

CMR 10.06, Disciplinary Actions.

4. The Licensee agrees to **SURRENDER** his registration for an indefinite term ("Surrender Period"), commencing with the date on which the Board signs this Agreement ("Effective Date") and acknowledges that he has been informed that the current Board cannot at this time envision circumstances under which it would be inclined to reinstate his pharmacist's license.
5. Notwithstanding the language in Paragraph 4 of this Agreement, if the Licensee completes to the satisfaction of the Board all of the requirements set forth in this Paragraph and in the Board's policy 2011-02 "License Reinstatement following Surrender, Suspension, or Revocation," the Licensee may petition the Board for reinstatement of his registration. The petition must be in writing and must include the following documentation of the Licensee's ability to practice as a pharmacist in a safe and competent manner, all to the Board's satisfaction:
  - a. All documentation required pursuant to Board's policy 2011-02 "License Reinstatement following Surrender, Suspension, or Revocation,"
  - b. A performance evaluation sent directly to the Board from each of the Licensee's employers, prepared on official letterhead that reviews the Licensee's attendance, general reliability, and specific job performance during the year immediately prior to the date on which the Licensee submits his petition ("petition date")<sup>2</sup>.
  - e. Authorization for the Board to obtain a Criminal Offender Record Information ("CORI") report of the Licensee conducted by the Massachusetts Criminal History Systems Board.
  - f. Documentation that the Licensee has completed, at least one year prior to the petition date, all requirements imposed upon him in connection with all criminal and/or administrative matter(s) arising from, or related to, the conduct identified in Paragraph 2<sup>3</sup>. Such documentation shall be certified and sent directly to the Board by the appropriate court or administrative body and shall include a description of the requirements and the disposition of each matter.
  - g. Certified documentation from the state board of pharmacy of each jurisdiction in which the Licensee has ever been registered to practice as a pharmacist, sent directly to the Massachusetts Board identifying his registration status and discipline history, and verifying that his pharmacist registration is, or is eligible to be, in good standing and free of any restrictions or conditions with

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<sup>2</sup> If the Licensee has not been employed during the year immediately prior to the petition date, he shall submit an affidavit to the Board so attesting.

<sup>3</sup> If there have been no criminal or administrative matters against the Licensee arising from or in any way related to the conduct identified in Paragraph 2, the Licensee shall submit an affidavit so attesting.

the exception of discipline that is imposed on him by other jurisdictions as a consequence of the convictions in Paragraph 2 or as reciprocal discipline in response to the disciplinary proceedings referenced in Paragraph 1.

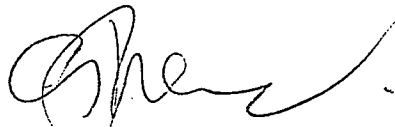
6. Petitions for reinstatement which satisfy the requirements of Paragraph 5 will be referred by staff to the Board for consideration. The Board reserves the right to exercise full discretion in determining whether reinstatement of the Licensee's right to practice as a pharmacist is appropriate. The Board's review will include, but not be limited to, consideration of the Licensee's demonstrated the good moral character, integrity, and knowledge of the practice of pharmacy. The Licensee will receive written notice of the Board's decision with respect to the petition for reinstatement. If the petition for reinstatement is granted the notice of reinstatement will include terms of reinstatement including, but not limited to, a requirement of a probationary period. If the petition is denied the Licensee may not re-file a petition for reinstatement within 12 months of the effect date of the notice of denial.
7. The Licensee agrees that he will not practice as a registered pharmacist in Massachusetts from the Effective Date unless and until the Board reinstates his registration<sup>4</sup>.
8. The Board agrees that in return for the Licensee's execution of this Agreement it will not prosecute the Complaint.
9. 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, 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.
10. The Licensee acknowledges that he has at all times free to seek and use [The Registrant acknowledges that he has been represented by] legal counsel in connection with the Complaint and this Agreement.
11. The Licensee acknowledges that after the Effective Date, the Agreement constitutes a public record of disciplinary action by the Board. The Board may


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<sup>4</sup> The Licensee understands that practice as a registered pharmacist includes, but is not limited to, seeking and/or accepting a paid or voluntary position as a registered pharmacist, or a paid or voluntary position requiring that the applicant hold a current pharmacist registration. The Licensee further understands that if he accepts a voluntary or paid position as a registered pharmacist, or engages in any practice of pharmacy after the Effective Date and before the Board formally reinstates his registration, 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.


forward a copy of this Agreement to other licensing boards, law enforcement entities, and other individuals or entities as required or permitted by law.

12. 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.

  
Witness (sign and date) 11-30-13

  
**BALDWIN IHENACHO, R. Ph.** 11/30/13  
Licensee (sign and date)

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Witness (print name)

  
Margaret Cittadino  
Associate Director  
Board of Registration in Pharmacy

December 11, 2013  
Effective Date of Surrender Agreement

Fully Signed Agreement Sent to Licensee on 12/13/13 by Certified  
Mail No. 7612 3460 0003 3582 0901