

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF LICENSE  
IN PHARMACY

In the Matter of )  
Barbara Herbert )  
PT23326 )

PHA-2019-0051

**CONSENT AGREEMENT FOR VOLUNTARY SURRENDER**

The Massachusetts Board of Registration in Pharmacy ("Board") and Barbara Herbert ("Licensee"), a pharmacy technician licensed by the Board, PT23326, 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 pharmacy technician license related to the conduct set forth in Paragraph 2, identified as Docket No. PHA-2019-0051 ("the Complaint").<sup>1</sup>
2. The Board and the Licensee acknowledge and agree to the following facts:
  - a. From approximately October 2017 until March 2019, Licensee worked as a pharmacy technician at CVS # 665 ("Pharmacy"), DS1198, located in Woburn, Massachusetts.
  - b. While working as a pharmacy technician at the Pharmacy, Licensee diverted at least # 80 tramadol 50 mg tablets.
  - c. Licensee did not have a prescription for said tramadol.
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 her 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 she 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 her 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 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 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 she 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 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.

Mary P. Herbert 11/29/19  
Witness (sign and date)

Barbara Herbert  
Barbara Herbert  
(sign and date)

11/29/19 David Sencabaugh  
David Sencabaugh, R. Ph.  
Executive Director  
Board of Registration in Pharmacy

~~#AE~~ HAE  
~~11/29/19~~ 12-9-19  
Effective Date

Fully Signed Agreement Sent to Licensee on 11/29/19 by Certified Mail  
No. ~~7018-3090-0001-1905-7775~~

Fully Signed Agreement Sent to licensee on 12/10/19  
By certified mail No. 7019 0700 0000 1934 6489  
(LP)