

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Bernard B. Niedzwiedz, R.Ph.)
Pharmacist Registration No. 15559)

Docket No. PHA-2009-0017

MAR 19 2009

OF
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CONSENT AGREEMENT

The Board of Registration in Pharmacy (Board) and Bernard B. Niedzwiedz, R.Ph. (Registrant), a pharmacist registered by the Board (Pharmacist Registration No. 15559), 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 that certain complaint pending against Registrant before the Board as Docket No. PHA-2009-0017 (Complaint).
2. Registrant acknowledges that he did not renew his pharmacist license prior to the expiration date (12/31/2004) and that he continued to practice as a pharmacist at Anderson Pharmacy, located at 52 Bridge Street in Shelburne Falls, Massachusetts (Pharmacy Registration No. 12518), after the expiration date of his pharmacist license until on or about January 15, 2008, in violation of G.L. c. 112, ss. 24A and 61 and 247 CMR sections 4.02(3), 9.01(1), 10.03(a), 10.03(b) and 10.03(i).
3. Accordingly, Registrant acknowledges and agrees to the following:
 - a. Registrant's conduct as described in Paragraph 2 above constitutes professional misconduct warranting disciplinary action under G.L. c. 112, ss. 42A and 61 and 247 CMR sections 4.02(3), 9.01(1), 10.03(a), 10.03(b) and 10.03(i);
 - b. Registrant is hereby **REPRIMANDED** for the conduct described in Paragraph 2; and
 - c. Registrant must pass the Multistate Pharmacy Jurisprudence Examination (MPJE) with a score of at least 75% within six months of the Effective Date of the Agreement.
4. Registrant acknowledges and agrees that failure to provide documentation to the Board of successful completion of the **MPJE** within six months of the Effective Date of the Agreement shall be considered a violation of the terms of the Agreement subjecting Registrant to additional disciplinary action by the Board.

5. This Agreement and its contents shall be incorporated into the records maintained by the Board, are matters of public record, and subject to disclosure without limitation to the public and equivalent state licensing boards.
6. The Board agrees that in return for Registrant's execution of this Agreement, the Board will not advance the prosecution of 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.
7. Registrant understands and agrees that failure to comply with the terms of the Agreement shall nullify the representations contained in Paragraph 9, 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.*
8. Registrant understands and agrees that the 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.
9. Registrant states that Registrant consulted legal counsel in connection with the decision to enter into this Agreement and if not, that Registrant had an opportunity to do so.
10. Registrant certifies that he has read this document entitled "Consent Agreement". Registrant understands that, by executing this Agreement, Registrant is waiving the right to a formal hearing at which Registrant would possess the rights 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 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 he further understands that in executing this document entitled "Consent Agreement", he is knowingly and voluntarily waiving his right to a formal hearing and to all of the above listed rights.

Stella D. Niedzwiedz
Witness (sign)

Stella D. Niedzwiedz
Witness (print name)

Bernard B. Niedzwiedz
Bernard B. Niedzwiedz, R.Ph.
Registrant

Date: 3.17.09

BOARD OF REGISTRATION
IN PHARMACY

By: James T. DeVita
James T. DeVita, R.Ph.
President
Effective Date: 3/19/09

Decision No. 2027