The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Division of Health Care Quality
Board of Registration in Pharmacy
239 Causeway Street

DEVAL L. PATRICK
GOVERNOR

JOHN W. POLANOWICZ
SECRETARY

CHERYL BARTLETT, RN
COMMISSIONER

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May 15, 2014

Jennifer L. Chunias
Goodwin Procter LLP
Exchange Place
Boston, MA 02109

Re: In the Matter of Beth Thibault, PH21809
Board of Registration in Pharmacy, Docket No. PHA-2014-0063

Dear Attorney Chunias:

This letter acknowledges receipt by the Board of Registration in Pharmacy (Board) of a single signed original copy of the Consent Agreement for Probation (Agreement) between Beth Thibault and the Board in resolution of the above-referenced complaint. The Board has now signed the Agreement, and submits a copy for your client's records. Please note carefully that the effective date of the Agreement is May 15, 2014, as stated on the signature page of the agreement.

A copy of this letter and the Agreement will remain in complaint file Docket No. PHA-2014-0062. The file will be retained for no less than three (3) years in accordance with state public records laws.

In addition, Karen Fishman is responsible for monitoring compliance with any probation agreement that a pharmacist enters into with the Board. All correspondence and documentation in connection with Ms. Thibault's Probation Agreement should be directed to her at the Board's office listed above. You or Ms. Thibault may also contact her at (617) 973-0951 with any questions regarding this matter.

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Division of Health Professions Licensure
Board of Registration in Pharmacy
239 Causeway Street, Suite 500, Boston, MA 02114

DEVAL L. PATRICK
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SECRETARY

CHERYL BARTLETT, RN
COMMISSIONER

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VIA U.S. FIRST CLASS CERTIFIED MAIL,# 7012 3460 0001 7331 3542
RETURN RECEIPT REQUESTED

May 15, 2014

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Boston, MA 02109

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As Ms. Thibault's attorney of record, the Board expects that you will notify your client of the Board's action and forward to her the enclosed copy of the Agreement. Thank you for your cooperation.

Sincerely,

Heather Engman, Board Counsel
Board of Registration in Pharmacy

Enclosure

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
BETH THIBAULT)
PH21809)

PHA-2014-0063

CONSENT AGREEMENT FOR PROBATION

The Massachusetts Board of Registration in Pharmacy ("Board") and Beth Thibault ("Licensee"), PH21809, 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. 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-2014-0063.[1]

2. The Board and Licensee acknowledge and agree that substantial evidence exists which if proven at hearing would demonstrate the following:

   a. Licensee has worked as a pharmacist at H.L. Wardle Drug Company since at least 2005.

   b. Between August 1, 2012 and August 5, 2013, H.L. Wardle Drug Company filled approximately 123 oxycodone prescriptions totaling 20,400 dosage units for a single patient ("Patient"). Many of these prescriptions were reviewed, verified, and dispensed by Licensee.

   c. Information regarding the medications dispensed to Patient by H.L. Wardle Drug Company from 2005 until July 31, 2013 was maintained at the pharmacy and available to Licensee.

[1] The term "license" applies to both a current license and the right to renew an expired license.

d. Patient's oxycodone prescriptions were written by a single prescriber ("Prescriber"). H.L. Wardle Drug Company had letters written by Prescriber dated December 29, 2005, July 16, 2007, February 16, 2010, and April 19, 2013 indicating that large doses of narcotics were medically necessary for Patient. H.L. Wardle Drug Company also had a letter written by Prescriber dated January 12, 2012 stating that Patient may refill his Oxycodone 5 mg and Oxycodone 30 mg prescriptions early.

e. Through the course of performing required Prospective Drug Utilization Reviews, and based on the quantity of oxycodone dispensed by H.L. Wardle Drug Company and other factors, the Licensee should have known the oxycodone prescriptions presented by Patient, and dispensed by Licensee, were not written for a legitimate medical purpose by a practitioner acting in the usual course of his professional practice.

3. Licensee agrees that her pharmacist license shall be placed on PROBATION for three years ("Probationary Period"), commencing with the date on which the Board signs this Agreement ("Effective Date").

4. During the Probationary Period, the Licensee further agrees that she shall comply in all material respects with all laws and regulations governing the practice of pharmacy and the United States Pharmacopeia. Licensee agrees that during the Probationary Period she shall not serve as a manager of record of any pharmacy.

5. The Licensee further agrees that she shall submit documentation, on or before December 31, 2014, demonstrating the following:

a. Successful completion of at least 10 contact hours of continuing education in the area of prescription drug abuse[2];

b. Achievement of a passing score on the MPJE;

c. Attendance at Narcotics Anonymous meetings and/or other community meetings discussing the impact of opioid abuse for at least five hours.

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[2] This continuing education requirement shall be *in addition to* any contact hours required for license renewal.

6. The Board agrees that in return for Licensee's execution and successful compliance with the requirements of this Agreement it will not prosecute the Complaint.

7. If the Licensee has complied to the Board's satisfaction with all the requirements contained in this Agreement, the Probationary Period will terminate three years after the Effective Date upon written notice to the Licensee from the Board.[3]

8. If the Licensee does not materially comply with each requirement of this Agreement, or if the Board opens a Subsequent Complaint[4] during the Probationary Period, the Licensee agrees to the following:

   a. The Board may upon written notice to the Licensee, as warranted to protect the public health, safety, or welfare:

      i. EXTEND the Probationary Period; and/or

      ii. MODIFY the Probation Agreement requirements; and/or

      iii. IMMEDIATELY SUSPEND the Licensee's pharmacist license.

   b. If the Board suspends the Licensee's pharmacy license pursuant to Paragraph 8(a)(iii), the suspension shall remain in effect until:

      i. the Board provides Licensee written notice that the Probationary Period is to be resumed and under what terms; or

      ii. the Board and Licensee sign a subsequent agreement; or

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[3] In all instances where this Agreement specifies written notice to the Licensee from the Board, such notice shall be sent to the Licensee's address of record.

[4] The term "Subsequent Complaint" applies to a complaint opened after the Effective Date concerning acts, omissions, or events occurring after the Effective Date, which (1) alleges that the Licensee engaged in conduct that violates Board statutes or regulations, and (2) is substantiated by evidence, as determined following the complaint investigation during which the Licensee shall have an opportunity to respond.

iii. the Board issues a written final decision and order following adjudication of the allegations (1) of noncompliance with this Agreement, and/ or (2) contained in the Subsequent Complaint.

9. Licensee agrees that if the Board suspends her pharmacist license in accordance with Paragraph 8, she will immediately return her current Massachusetts pharmacist license to the Board, by hand or certified mail. Licensee further agrees that upon said suspension, she will no longer be authorized to practice as a pharmacist in the Commonwealth of Massachusetts and shall not in any way represent herself as a pharmacist until such time as the Board reinstates her pharmacist license or right to renew such license.

10. Licensee understands that she has a right to formal adjudicatory hearing concerning the Complaint 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 Complaints.

11. The Registrant acknowledges that she has been represented by legal counsel in connection with the Complaint and this Agreement.

12. 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.

13. The Licensee certifies that she has read this Agreement. The Licensee understands and agrees that entering into this Agreement is a voluntary and final act and not subject to reconsideration, appeal, or judicial review.

Cheryl Pravo 5/8/14
Witness (signature and date)

Beth Thibault 5/8/14
Beth Thibault
(signature and date)

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

5-15-14
Effective Date of Probation Agreement

Fully Signed Agreement Sent to Licensee on 5/15/14 **by Certified Mail No.** 7012 3460 0001 7331 3542

Beth Thibault
PH21809
PHA-2014-0063