

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN PHARMACY

In the Matter of        )  
**Brian Anderson**        )  
PH234963                )

PHA-2017-0079

**CONSENT AGREEMENT FOR VOLUNTARY SURRENDER**

The Massachusetts Board of Registration in Pharmacy ("Board") and Brian Anderson ("Licensee"), a pharmacist licensed by the Board, PH234963, 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 his Massachusetts pharmacist license ("license") related to the conduct set forth in Paragraph 2, identified as Docket No. PHA-2017-0079 ("the Complaint").<sup>1</sup>
2. The Board and Licensee acknowledge and agree to the following facts:
  - a. In February 2017, Licensee worked as a pharmacist at CVS Pharmacy # 938 ("Pharmacy") located in North Attleboro, Massachusetts.
  - b. In February 2017, Licensee diverted approximately 15 alprazolam 1 mg tablets from the Pharmacy while he was working. Licensee did not have prescription for said alprazolam.
3. The Board and Licensee acknowledge and agree that Licensee's conduct described in Paragraph 2 is a violation M.G.L. c. 94C, § 34 and warrants disciplinary action by the Board under M.G.L. c. 112, §§ 42A & 61 and Board regulations at 247 CMR 10.03(1)(v) & (x).

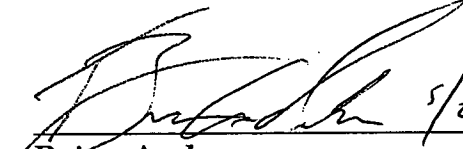
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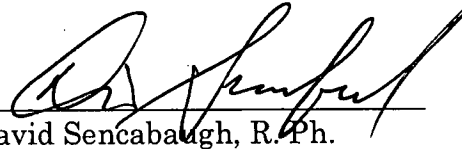
<sup>1</sup> The term "license" applies to both a current license and the right to renew an expired license.

4. The Licensee agrees to SURRENDER his license for an indefinite period of time and refrain from practicing as a pharmacist and from working in any pharmacy-related setting in Massachusetts, commencing with the date on which the Board signs this Agreement ("Effective Date"). The Licensee further agrees to immediately return his original Massachusetts pharmacist license to the Board.
5. The Licensee agrees that he will not practice as a pharmacist or work in any pharmacy related setting in Massachusetts from the Effective Date unless and until the Board reinstates his license.
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 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, 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 he is knowingly and voluntarily waiving his right to a formal adjudication of the Complaint.
8. The Licensee acknowledges that he 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.

10. 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.

 05-02-2017  
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Witness (sign and date)

 5/2/17  
\_\_\_\_\_  
Brian Anderson  
(sign and date)

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

5-8-17  
Effective Date of Surrender Agreement

Fully Signed Agreement Sent to Licensee on 5/9/17 by  
Certified Mail No. 7016 1370 0001 4117 2591

ON 5/9/17 via certified mail No. 7016 1370 0001 4117 2607