

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

Received

In the Matter of)
Brian Hanley)
PH18719)

PHA-2017-0074 JUL 21 2017

BOARD OF
PHARMACY

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Pharmacy ("Board") and Brian Hanley ("Licensee"), a pharmacist licensed by the Board, license number PH18719, 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 related to the conduct set forth in Paragraph 2, identified as Docket Number PHA-2017-0074 ("Complaint").
2. The Board and the Licensee acknowledge and agree to the following facts:
 - a. Between September 20, 2016 and October 29, 2016, Licensee worked as a pharmacist and manager of record at Stop & Shop Pharmacy # 40 ("Pharmacy"), DS1621, located in Milford, Massachusetts.
 - b. As described in 247 CMR 6.07, Licensee, as manager of record, was responsible for the operation of the Pharmacy in compliance with 247 CMR 2.00 et seq. and applicable state and federal laws and regulations.
 - c. On or about September 20, 2016, in accordance with a prescription, Licensee dispensed oxycodone 5 mg tablets manufactured by Aurobindo to Patient A.
 - d. On or about September 23, 2016, Patient A returned the Aurobindo oxycodone tablets to the pharmacy and requested a different brand of oxycodone 5 mg tablets.
 - e. On or about September 23, 2016, Licensee dispensed oxycodone 5 mg tablets manufactured by Caraco to Patient A.

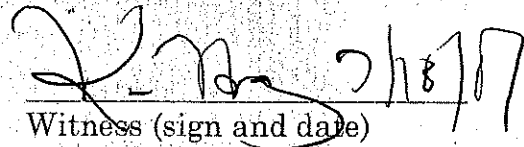
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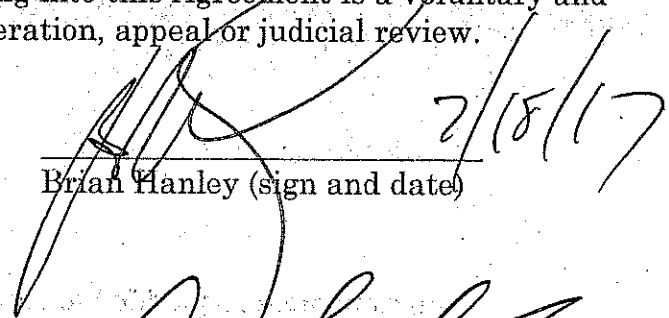
- f. On or about September 23, 2016, Licensee placed the previously dispensed Aurobindo oxycodone tablets in the Schedule II controlled substances safe with active inventory and marked the tablets "RTS" for "return to stock," in violation of Stop & Shop policy and procedure.
 - g. Between September 23, 2016 and October 8, 2016, another pharmacist working at the Pharmacy advised Licensee to quarantine the returned Aurobindo oxycodone tablets on three occasions.
 - h. Between October 8, 2016 and October 22, 2016, Licensee dispensed the returned Aurobindo oxycodone tablets to multiple patients, in violation of 247 CMR 9.01(4).
3. The Licensee acknowledges that the facts described in Paragraph 2 warrant disciplinary action by the Board under M.G.L. c. 12, §§ 42A and 61 and under 247 CMR 10.03(1)(a) & (v).
4. The Licensee agrees that the Board shall impose a REPRIMAND on his license based on the facts admitted in Paragraph 2, effective as of the date on which the Board signs this Agreement ("Effective Date").
5. The Board agrees that in return for the Licensee's execution and successful compliance with all the requirements of this Agreement, the Board will not prosecute the Complaint.
6. The Licensee understands that he has a right to formal adjudicatory hearing concerning the Complaint 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.
7. 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.

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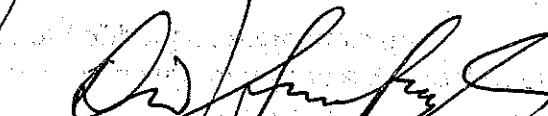
8. The Licensee acknowledges that after the Effective Date, the Agreement constitutes a public record of disciplinary action by the Board subject to the Commonwealth of Massachusetts' Public Records Law, M.G.L. c. 4, § 7. The Board may forward a copy of this Agreement to other licensing boards, law enforcement entities, and other individuals or entities as required or permitted by law.

9. The Licensee certifies that he 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.


Witness (sign and date)


Brian Hanley (sign and date)

7-27-17
Effective Date of Reprimand Agreement


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

Fully Signed Agreement Sent to Registrant on 7/27/17 by
Certified Mail No. 7015 3010 0001 7080 2793

Brian Hanley
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