

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION IN
PHARMACY

IN THE MATTER OF
BRIAN MCGONIGLE
PI156405

PHA-2013-0175

CONSENT AGREEMENT FOR VOLUNTARY SURRENDER

The Massachusetts Board of Registration in Pharmacy ("Board") and Brian McGonigle ("Licensee"), a pharmacy intern licensed by the Board, PI156405, 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 Pharmacy Intern license related to the conduct set forth in Paragraph 2, identified as Docket No. PHA-2013-0175 ("Complaint").¹
2. The Board and Licensee acknowledge and agree to the following facts:
 - a. On or about July 6, 2013, Licensee left the pharmacy, where he worked as a pharmacy intern, for lunch. Licensee consumed approximately four beers. Licensee returned to the pharmacy approximately two and one half hours later and attempted to work at the pharmacy as a pharmacy intern while under the influence of alcohol. Licensee's supervisor sent him home.
 - b. On or about September 17, 2013, Licensee was arrested and charged for driving under the influence of alcohol.
3. The Board and Licensee acknowledge and agree that Licensee's conduct described in Paragraph 2 is grounds for discipline by the Board pursuant to M.G.L. c. 112, § 61 and 247 CMR 10.03(g).
4. The Board and Licensee acknowledge and agree that, based on the conduct described Paragraph 2, Licensee's continued or further practice as a pharmacy intern presents an immediate and serious threat to the public health, safety, or welfare warranting summary suspension as set forth in 247 CMR 10.07.

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

5. The Licensee agrees to SURRENDER his license for an indefinite period of time and refrain from practicing as a pharmacy intern 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 pharmacy intern registration to the Board.
6. The Board may determine the terms and conditions for potential reinstatement of Licensee's pharmacy intern license following an evaluation by and recommendation from the Massachusetts Professional Recovery System ("MPRS").
7. 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.
8. 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.
9. 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.
10. 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.

11. 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.

David W. Boujoo 5/12/14
Witness (sign and date)

Brian McGonigle 05/12/2014
Brian McGonigle
(sign and date)

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

5-14-14
Effective Date of Agreement

Fully Signed Agreement Sent to Registrant on 5/15/14 by
Certified Mail No. 7012 3460 0001 7331 3528