

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
BRUCE R. KLINE, R.Ph.)
Pharmacist Registration No. 17604)

Docket Nos. PH-00-125
PH-02-111

MPRS

CONSENT AGREEMENT FOR PROBATION

The Board of Registration in Pharmacy ("Board") and Bruce R. Kline ("Registrant"), a pharmacist registered by the Board (Pharmacist Registration No. 17604), 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 for Probation ("Probation Agreement") pursuant to the terms and conditions of a certain Consent Agreement ("2003 Consent Agreement"), effective February 24, 2003, executed by Registrant and the Board in resolution of the above matter and pursuant to the terms of which Registrant has petitioned the Board for the termination of the Suspension Period.
2. The Registrant has entered into a contract with the Massachusetts Professional Recovery System ("MPRS") dated November 1, 2005 ("Contract"), the conditions of the Contract being incorporated into the terms of this Agreement.
3. The parties acknowledge and agree that Board will terminate the Suspension Period place Registrant's license on probationary status for a minimum five-year period ("Probation Period"), subject to the terms and conditions set forth herein. Termination of the Probation Period shall be governed by Paragraph 5 of this Agreement; and
4. During the Probation Period, the Registrant acknowledges and agrees:
 - a. to undergo monitoring by the Board, which shall include random drug/alcohol screenings for a minimum the three-year period following the effective date of this Agreement conducted under the oversight of MPRS, or for such longer period as may be required by MPRS or the Board;
 - b. to refrain from the consumption of alcohol and the use of all controlled substances unless specifically prescribed by a treating physician and approved by MPRS, who has been informed of the Registrant's history, for the purpose of prescribing for a legitimate medical purpose and in the usual course of the physician's practice;

FEB 12 2009

BOARD OF
PHARMACY

- c. that he may not fill, or have filled prescriptions for himself filled, at any place or former place of employment, and shall adhere to all laws and regulations pertaining to the dispensing, administration and distribution of controlled substances;
- d. that he hereby waives any privileges concerning and all information, reports and records relating to his MPRS contract and the disclosure of such information to the Board. This release includes the Registrant's waiver of any privileges and immunities he may possess regarding all material covered by 42 CFR Part 2 and the Criminal Offender Records Information (CORI) Act (G.L. c. 6, §§ 167-178) and authorizes the Board to have access to all such information and records;
- e. that he may not act as a pharmacist manager of record in any pharmacy setting;
- f. that he shall provide a copy of this Agreement to each employer where he is employed as a pharmacist or other pharmacy support position in any pharmacy setting. Registrant shall notify the Board of any change in employment status and information regarding the change in status, including voluntary (resignation) and involuntary (termination) changes in employment in any employment setting within twenty-four hours of any change in employment;
- g. to abide by all of the terms and conditions of the Contract for the duration of the Contract ("Contract Period"), as it may be extended, unless sooner dissolved by the MPRS Committee and the Board; and
- h. to notify the Board in writing within ten (10) days of any change(s) in Registrant's name and or address.

5. Registrant agrees that termination of the Probation Period shall be granted only if he has met the following conditions:

- a. Registrant must apply in writing (to include a written statement of recommendation from the MPRS Coordinator) to the Board for termination of the Probation Period. The Board may request a conference to discuss the merits of such request and request documentation regarding employment status;
- b. Registrant has fully complied with all terms and conditions of this Agreement and meets all other requirements for licensure; and
- c. Registrant has provided documentation satisfactory to the Board that he has successfully completed the Contract.

6. Registrant acknowledges that this Agreement shall be incorporated into the records maintained by the Board, is a matter of public record, and subject to disclosure without limitation to the public and equivalent state licensing boards.

7. The Board agrees that in return for the Registrant's execution of this Agreement, the Board will not advance the prosecution of the 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.

8. The Registrant understands and agrees that his failure to comply with the terms of this Agreement shall nullify the representations contained in Paragraph 7, 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.*

9. The Registrant understands and agrees that, at any time during the Contract or Probation Periods, upon a determination by the Board of any violation of any of the terms and conditions of this Agreement or the Contract or any violation of the applicable laws, rules and regulations governing the practice of pharmacy, Registrant shall be required to IMMEDIATELY SURRENDER his pharmacist license to the Board without the requirement of any adjudicatory proceedings pursuant to G.L. c. 30A.

10. The Registrant understands and agrees that should he be found to have violated any of the statutes and/or regulations governing the practice of pharmacy for conduct occurring during the Probation Period, the Board may consider the conduct of the Registrant described in Paragraph 2. and more fully described in Complaint Docket Nos. PH-00-125 and PH-02-111 in determining an appropriate sanction for the subsequent offense.

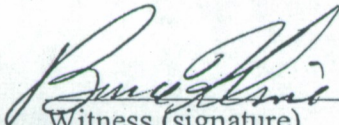
11. The Registrant understands and agrees that any of the following may be considered by the Board to be a violation of this Agreement requiring Registrant to IMMEDIATELY SURRENDER his license to the Board:

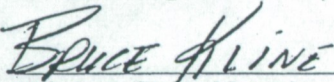
- a. A sample of the Registrant's blood, breath or other substance is found to contain any evidence of alcohol or any controlled substance in violation of this Agreement or the Contract;
- b. the Board or MPRS has other reliable evidence that the Registrant has used alcohol or any controlled substance in violation of this Agreement or the Contract;
- c. the Registrant misses, or fails to call for any random screening tests, excluding an administrative or laboratory error beyond the control of the Registrant;
- d. the Registrant refuses to cooperate with MPRS in its monitoring; or
- e. the Registrant withdraws any waiver or release provided and/or filed in connection with this Agreement or the Contract.

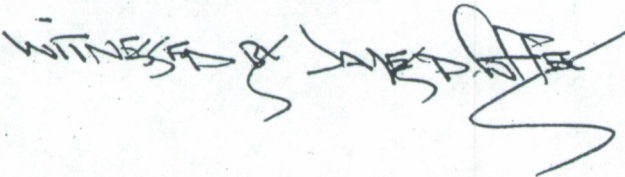
12. The Registrant understands and agrees that his decision to enter into this Agreement and to accept the terms and conditions herein described is a final act and is not subject to reconsideration or judicial review.

13. The Registrant states that he has used legal counsel in connection with his decision to enter into this Agreement or, if he did not, that he had an opportunity to do so and that his decision to enter into this Agreement was made of his own free will.

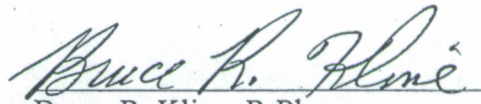
14. The Registrant certifies that he has read this document entitled "Consent Agreement". The Registrant understands that, by executing this Agreement, he is waiving his right to a formal hearing at which he would possess the rights to confront and cross-examine witnesses, to call witnesses, to present 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.


Witness (signature)


Witness (Print Name)

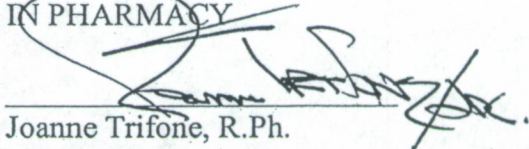

WITNESS

Dec. No. 2202


Bruce R. Kline, R.Ph.

Effective Date: 2/2/97

BOARD OF REGISTRATION
IN PHARMACY


Joanne Trifone, R.Ph.
President-Elect
Date: