

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF LICENSE
IN PHARMACY

In the Matter of)
Cathy Au Sol, R.Ph.)
License No. PH232512)
Expires 12/31/2016)

Docket No. PHA-2014-0237

**CONSENT AGREEMENT FOR
SUSPENSION FOLLOWED BY PROBATION**

The Massachusetts Board of Registration in Pharmacy ("Board") and Cathy Au Sol ("Licensee"), a Pharmacist licensed by the Board, License No. PH232512, 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 her Massachusetts Pharmacist license related to the conduct set forth in Paragraph 2, identified as Docket No. PHA-2014-0237 ("the Complaint").
2. The Board and the Licensee acknowledge and agree to the following facts:
 - a. On or about July 1, 2013 to July 29, 2014, Licensee was employed as a pharmacist at Rite Aid Pharmacy #10085 in Holden, Massachusetts.
 - b. Between approximately July 1, 2013 and July 29, 2014, Licensee divered for personal use at least 1800 tablets of generic Fioricet from the pharmacy where she worked. Licensee did not have a valid prescription for said generic Fioricet.
3. The Licensee agrees the conduct described in Paragraph 2 constitutes a violation of M.G.L. c. 94C, § 34 and warrants disciplinary action by the Board under M.G.L. c. 112, §§ 42A and 61, 247 CMR 10.03(1)(h), and 247 CMR 10.03(1)(x).

4. The Licensee agrees that her pharmacist license will be **SUSPENDED** for no less than one (1) year ("Suspension Period"). Licensee further agrees to refrain from practicing as a pharmacist or 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 her original Massachusetts pharmacist registration to the Board.

5. After the Suspension Period, and when the Licensee can complete to the satisfaction of the Board all of the requirements set forth in this Paragraph and in the Board's policy 2011-02 "License Reinstatement following Surrender, Suspension, or Revocation," the Licensee may petition the Board for reinstatement of her license. The petition must be in writing and must include the following documentation of the Licensee's ability to practice as a pharmacist in a safe and competent manner, all to the Board's satisfaction:
 - a. An evaluation by and recommendation of a licensed and board certified addictionologist. The evaluation shall conform with the requirements set forth in Attachment A.

 - b. All documentation required pursuant to Board's policy 2011-02 "License Reinstatement following Surrender, Suspension, or Revocation".

 - c. A performance evaluation sent directly to the Board from each of the Licensee's employers, prepared on official letterhead that reviews the Licensee's attendance, general reliability, and specific job performance during the year immediately prior to the date on which the Licensee submits her petition ("petition date")¹.

 - d. Authorization for the Board to obtain a Criminal Offender Record Information ("CORI") report of the Licensee conducted by the Massachusetts Criminal History Systems Board.

¹ If the Licensee has not been employed during the year immediately prior to the petition date, she shall submit an affidavit to the Board so attesting.

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- e. Documentation that the Licensee has completed, at least one year prior to the petition date, all requirements imposed upon her in connection with all criminal and/or administrative matter(s) arising from, or related to, the conduct identified in Paragraph 2². Such documentation shall be certified and sent directly to the Board by the appropriate court or administrative body and shall include a description of the requirements and the disposition of each matter.
 - f. Certified documentation from the state board of pharmacy of each jurisdiction in which the Licensee has ever been registered to practice as a pharmacist, sent directly to the Massachusetts Board identifying her license status and discipline history, and verifying that her pharmacist license is, or is eligible to be, in good standing and free of any restrictions or conditions.
6. If and when the Board determines the Licensee has complied to the Board's satisfaction with all the requirements contained in Paragraph 5, the Board shall send written notice to the Licensee³ which shall terminate the Suspension Period. The Licensee understands and agrees that her license shall be placed on PROBATION for no less than four (4) years ("Probationary Period") commencing immediately upon the date of reinstatement. The Board will determine additional terms and conditions for the Probationary Period at the time of reinstatement.
7. The Board agrees that in return for the Licensee's execution and successful compliance with all the requirements of this Agreement it will not prosecute the Complaint.

² If there have been no criminal or administrative matters against the Licensee arising from or in any way related to the conduct identified in Paragraph 2, the Licensee shall submit an affidavit so attesting.

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.

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8. The 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 Complaint.
9. The Licensee acknowledges that she 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. 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 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.

[Signature] 01 Sep 2015
 Witness (sign and date)

Cathy Au Sol 9/1/15
 Cathy Au Sol
 (sign and date)

[Signature]
 David Sencabaugh, R. Ph
 Executive Director
 Board of License in Pharmacy

9-18-15
 Effective Date

Fully Signed Agreement Sent to Licensee on 9/18/15 by
 Certified Mail No. 7615 1520 0002 8254 8860

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