

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of _____)
CHARITY S. MCNEAL, R.Ph.)
Pharmacist Registration No. 23677)
Exp. 12/31/08)

Received

NOV 26 2007

Docket No. PH-07-112

BOARD OF
PHARMACY
CONSENT AGREEMENT

The Board of Registration in Pharmacy ("Board") and Charity S. McNeal, R.Ph. ("Registrant"), a pharmacist registered by the Board (Pharmacist Registration No. 23677), 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 ("Agreement") in order to resolve disputed matters arising out of the complaint pending against Registrant before the Board as Docket No. PH-07-112 (the "Complaint").
2. The Registrant agrees that this Agreement has been entered into as a result of her license discipline by the Colorado State Board of Pharmacy (License No. 15762) on or about March 13, 2007 (Copy of Colorado State Board of Pharmacy ("Colorado Board") *Stipulation and Final Agency Order* in the matter of Case No. 2006-1341 (the "Colorado Order") attached hereto), related to Registrant's conduct as the pharmacist manager related to the filling of an internet prescription order on or about August 7, 2005. Registrant's Colorado Pharmacist license was placed on probationary status for the three period commencing March 13, 2007, with various probationary terms and conditions imposed as set forth in the Colorado Order.
3. The Board has reviewed the Complaint investigative report and the Colorado Order and accepted the terms and conditions of the Colorado Order as the terms and conditions for the resolution of the Complaint.
4. Accordingly, the Registrant freely agrees to the following:
 - a. that her conduct described in Paragraph 2 above and the Colorado Order constitutes professional misconduct warranting Board disciplinary action pursuant to G.L. c. 112, § 61 and Board Regulations 247 CMR 9.01(1) and 9.01(6);
 - b. to abide by all of the terms and conditions of the Colorado Order, the terms and conditions of same being hereby incorporated into the terms of this Agreement;

- c. The Board will place Registrant's license on probationary status for a minimum three period, commencing on the effective date of this Agreement and continuing until such time as the Colorado Board returns her license to good standing (the "Probation Period");
 - d. Termination of the Probation Period shall be governed by Paragraph 6 of this Agreement. The Registrant may be required to appear before the Board in connection with any petition to terminate the Probation Period. The Board will not consider such a petition without a recommendation from the Colorado Board; and
 - e. The Registrant returns a fully executed copy of this Agreement to the Board within ten (10) days of receipt.
5. Registrant agrees that the termination of the Probation Period shall be granted only if she has met the following conditions:
- a. Registrant must apply in writing to the Board for termination of the Probation Period. The Board will not consider such a request without submitting evidence of the Registrant's license in good standing by the Colorado Board. The Board may request a conference to discuss the merits of such request;
 - c. Registrant has fully complied with all terms and conditions of this Agreement and meets all other requirements for licensure.
6. This Agreement and its contents shall be incorporated into the records maintained by the Board, are matters of public record, 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 her failure to comply with the terms of this Agreement shall nullify the representations contained in Paragraph 8, 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 Probation Period, upon a determination by the Board of any violation of any of the terms and conditions of this Agreement or the Colorado Order, or any violation of the applicable laws, rules and regulations governing the practice of pharmacy, the Board may seek to immediately suspend the Registrant's license to practice pharmacy without the requirement of further proceedings pursuant to G.L. c. 30A, for not less than ninety (90) days and continuing until full compliance with this Agreement and the Contract is achieved by the Registrant.
10. The Registrant understands and agrees that should she 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 Licensee described in Paragraph 2 and more fully described in Complaint Docket No. PH-05-090 in determining an appropriate sanction for the subsequent offense.

11. The Registrant understands and agrees that her 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.

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

13. The Registrant certifies that she has read this document entitled "Consent Agreement". The Registrant understands that, by executing this Agreement, she is waiving her right to a formal hearing at which she would possess the rights 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 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 she further understands that in executing this document entitled "Consent Agreement", she is knowingly and voluntarily waiving her right to a formal hearing and to all of the above listed rights.

Sara Mendoza

Witness (sign name)

Sara Mendoza

Witness (print name)

CS

Charity S. McNeal, R.Ph.

Date: 11/19/07

BOARD OF REGISTRATION
IN PHARMACY

Jam T. DeVita

By:

Jam T. DeVita, R.Ph.

President

Date: November 9, 2007

Certified Mail No. 7006 2760 0003 7733 3215

Effective. Date: 03/13/07

BOARD USE: Decision No. 1127