

COMMONWEALTH OF MASSACHUSETTS

Received

SUFFOLK COUNTY

JUN 27 2011

BOARD OF
PHARMACY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
CHRISTINA M. LAPOINTE, R.Ph.)
Pharmacist Registration No. 24858)
_____)

Docket No. PHA-2011-0081

CONSENT AGREEMENT

The Board of Registration in Pharmacy ("Board") and Christine M. LaPointe, R.Ph. ("Registrant"), a pharmacist registered by the Board (Pharmacist Registration No. 24858), 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. PHA-2011-0081 ("Complaint").
2. Registrant agrees that this Agreement has been entered into as a result of the Consent Agreement (Complaint No. 2010-PHA-6498) dated March 2011 ("Maine Agreement") that she entered into with the State of Maine Board of Pharmacy ("Maine Board") regarding her Maine pharmacist license (No. PR5201) and her August 24, 2009 conviction of *Operating Under the Influence* (two counts – May 22, 2009 and July 28, 2009 incidents). The Maine Agreement terms including a *Reprimand* of Registrant's Maine pharmacist license and compliance (five-year term) with a Maine Medical Professionals Health Program (Maine Program) monitoring contract dated May 2010 (Contract).
3. The Board reviewed the Complaint investigative report on May 10, 2011, the Maine Agreement; specifically compliance with the Contract, the terms and conditions of both the Maine Agreement and Contract being hereby incorporated into the terms of this Agreement.
4. Accordingly, Registrant freely agrees:
 - a. that her conduct described in Paragraph 2 above constitutes professional misconduct warranting Board disciplinary action pursuant to G.L. c. 112, § 61 and 247 CMR 9.01(1) and 10.03(1), subsections (a), (g), (k), (u) and (w);
 - b. to abide by all of the terms and conditions of this Agreement, the Maine Agreement and the Contract for the minimum five year period of the Contract ("Contract Period"), unless sooner dissolved by the Maine Board or the Board;
 - c. that the Board will place Registrant's license on probationary status for a minimum

- four-year period commencing on the effective date of this Agreement and continuing until such time as the Contract is successfully completed ("Probation Period");
- d. Termination of the Probation Period shall be governed by Paragraph 6 of this Agreement. 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 official documentation of satisfactory completion of the requirements of the Contract and the Maine Agreement;
 - e. to insure that the Maine Program forwards a written report directly to the Board every six months during the Probation Period, on June 30th and December 01st, certifying that Registrant is in compliance with the Contract;
 - f. that she may not commence employment as a pharmacist in the Commonwealth of Massachusetts without first notifying the Board in writing; and
 - g. to return a signed copy of this Agreement to the Board within ten (10) days of receipt.

5. During the Probation Period, Registrant agrees:

- a. to undergo monitoring pursuant to the Contract, which shall include random drug/alcohol screenings;
- 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 the Board, who has been informed of Registrant's history, for the purpose of prescribing for a legitimate medical purpose and in the usual course of the physician's practice;
- c. that she may not self prescribe or dispense controlled substances and shall adhere to all laws and regulations pertaining to the dispensing, administration and distribution of controlled substances; and
- d. that she hereby waives any privileges concerning and all information, reports and records relating to the Contract and this Agreement and the disclosure of such information to the Board. This release includes the Registrant's waiver of any privileges and immunities she 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.

6. 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 Registrant's license in good standing by the Maine Board and successful completion of the Contract. The Board may request a conference to discuss the merits of such request; and

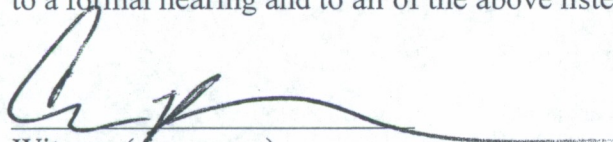
- b. Registrant has fully complied with all terms and conditions of this Agreement and meets all other requirements for licensure.
7. This Agreement and its contents shall be incorporated into the records maintained by the Board, are matters of public record, subject to disclosure, without limitation, to the public and equivalent state licensing boards.
8. The Board agrees that in return for Registrant's execution of this Agreement, the Board will not advance the prosecution of 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.
9. 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.*
10. 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, the Board may immediately suspend the Registrant's license to practice pharmacy without the requirement of further proceedings pursuant to G.L. c. 30A.
11. 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. PHA-2011-0081 in determining an appropriate sanction for the subsequent offense.
12. The Registrant understands and agrees that any of the following may be considered by the Board to be a violation of this Agreement and a basis for disciplinary action by the Board:
- a. A sample of 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 has other reliable evidence that Registrant has used alcohol or any controlled substance in violation of this Agreement or the Contract;
 - c. Registrant misses, or fails to call for any random screening tests, excluding an administrative or laboratory error beyond the control of Registrant;
 - d. Registrant refuses to cooperate with any requirement related to the Contract monitoring; or

- e. Registrant withdraws any waiver or release provided and/or filed in connection with this Agreement or the Contract.

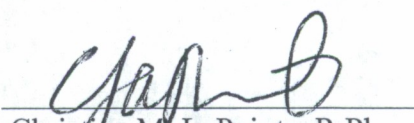
13. Registrant understands and agrees that her decision to enter into this Agreement and to accept the terms and conditions herein described is a final act and is not subject to reconsideration or judicial review.

14. 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.

15. Registrant certifies that she has read this document entitled "Consent Agreement". 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.



Witness (sign name)

Chris Zelenkewich
Witness (print name)


Christina M. LaPointe, R.Ph.

Effective Date: 6/25/11

BOARD OF REGISTRATION
IN PHARMACY

By: 
Stanley B. Walczyk, R.Ph.
President

Date: 6/25/11

Decision No. 2625