

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of
Colin Winston Gillis
Pharmacy Intern Registration No. PI156136

PHA-2011-0142

POST SUSPENSION CONSENT AGREEMENT FOR PROBATION

The Massachusetts Board of Registration in Pharmacy (Board) and Colin Winston Gillis (Registrant), a Pharmacy Intern licensed by the Board, Registration No. PI156136, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Registrant's record maintained by the Board:

1. The Registrant agrees that this Post-Surrender Consent Agreement for Probation ("Agreement") will supercede any and all previous agreements that he has entered into with the Board. Further, the Registrant agrees that this Agreement has been executed as a result of the Board's:
 - a. receipt and investigation of a complaint filed against him , Docket PHA-2011-0142, which resulted in the surrender of his pharmacy intern licence, pursuant to his Voluntary Surrender by statement dated June 17, 2011, as acknowledged by the Board on July 13, 2011;
 - b. consideration of the Registrant entering into a contract with the Massachusetts Professional Recovery System (MPRS) on March 6, 2012 and his compliance with all program requirements and stipulations;
 - c. consideration of the Registrant's request for license reinstatement and documentation he submitted with his request in accordance with the Board's policy.
2. The Registrant admits that he diverted, for personal use, controlled substances namely hydromorphone and Demerol during or about May 2010 through May 2011, from Massachusetts General Hospital, Boston, MA. The Registrant acknowledges that the foregoing facts warranted disciplinary action by the Board under Mass. General Laws., ch. 42A and 61, and under 247 CMR 10.03(1)(a), (b), (e), (h), (k), (l), (u), and (v).
3. The Registrant agrees that his pharmacy intern license shall be placed on PROBATION for an indefinite period commencing with the date on which the Board signs this Agreement (Effective Date).

4. During the Probationary Period, the Registrant further agrees that he shall comply with all of the following requirements to the Board's satisfaction:
 - a. Comply with all laws and regulations governing the practice of pharmacy, and not engage in any continued or further conduct such as that set forth in Paragraph 2.
 - b. Notify the Board in writing within ten (10) days of each change in his name and/or address.
 - c. Timely renew his registration.
 - d. Maintain compliance with all requirements and stipulations of his contract with the MPRS program.
 - f. Abstain from the use of alcohol and all substances of abuse or substances with potential for abuse.
 - g. If prescribed any controlled substance, notify the Board within three (3) days and arrange for the prescriber to submit immediately thereafter and directly to the Board a written statement of the kind and amount of each controlled substance prescribed with medical necessity for each such prescription.
5. The Registrant may submit a written petition to the Board for termination of the probation of his license at such time as he completes the MPRS program. With any such petition, he must include documentation from MPRS which indicates that he successfully completed the program and that the MPRS Coordinator recommends termination of the probation period. If the Board determines that the Registrant has complied to the Board's satisfaction with all the requirements contained in this Agreement, the Probation Period will terminate after the Effective Date upon written notice to the Registrant from the Board¹.
6. If the Registrant does not comply with each requirement of this Agreement, or if the Board opens a Subsequent Complaint² during the Probation Period, the Registrant agrees to the following:
 - a. The Board may upon written notice to the Registrant, as warranted to protect the public health, safety, or welfare:
 - i. EXTEND the Probationary Period; and/or
 - ii. MODIFY the Probation Agreement requirements; and/or

¹ In all instances where this Agreement specifies written notice to the Registrant from the Board, such notice shall be sent to the Registrant's address of record.

² The term "Subsequent Complaint" applies to a complaint opened after the Effective Date, which (1) alleges that the Registrant engaged in conduct that violates Board statutes or regulations, and (2) is substantiated by evidence, as determined following the complaint investigation during which the Registrant shall have an opportunity to respond.

- iii. IMMEDIATELY SUSPEND the Registrant's registration.
 - b. If the Board suspends the Registrant's registration pursuant to Paragraph 6(a)(iii), the suspension shall remain in effect until:
 - i. the Board gives the Registrant written notice that the Probationary Period is to be resumed and under what terms; or
 - ii. the Board and the Registrant sign a subsequent agreement; or
 - iii. the Board issues a written Final Decision and Order following adjudication of the allegations (1) of noncompliance with this Agreement, and/ or (2) contained in the Subsequent Complaint.
7. The Registrant agrees that if the Board suspends his registration in accordance with Paragraph 6, he will immediately return his current Massachusetts registration to practice as pharmacy intern to the Board, by hand or certified mail. The Registrant further agrees that upon suspension, he will no longer be authorized to engage in practice as a pharmacy intern in the Commonwealth of Massachusetts and shall not in any way represent himself as a pharmacy intern until such time as the Board reinstates his registration³.
8. The Registrant agrees that when he executed the original Voluntary Surrender Statement in resolution of the above-captioned complaint, Docket No. PHA-2011-0142 effective on July 13, 2011, he knowingly and voluntarily waived his right to a formal adjudication concerning the allegations against him in the complaints, the rights that he would have possessed during such adjudication 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 to all other rights as set forth in the Massachusetts Administrative Procedures Act, G. L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et seq.*
9. The Registrant 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 Registrant acknowledges that after the Effective Date, the Agreement constitutes a public record subject to the Commonwealth of Massachusetts' Public Records Law, G.L. ch. 4, §7.

³Any evidence of unlicensed practice or misrepresentation as a Pharmacist after the Board has notified the Registrant of his registration suspension shall be grounds for further disciplinary action by the Board and the Board's referral of the matter to the appropriate law enforcement authorities for prosecution.

11. The Registrant certifies that he has read this Agreement. The Registrant understands and agrees that entering into this Agreement is a voluntary and final act and not subject to reconsideration, appeal or judicial review.

Mary Citta 11/20/13 Colin Gillis 11/20/13
Witness (sign and date) Registrant (sign and date)

MARGY CITTADINO
Witness (print name)

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

11/20/13
Effective Date of Probation Agreement

Fully Signed Agreement Sent to Registrant on 11/20/13 by Certified Mail
No. hand delivered