

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
CVS Pharmacy #1868)
License No. DS3518)
Expires December 31, 2017)
_____)

Docket No. PHA-2015-0067

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Pharmacy ("Board") and CVS #1868 Pharmacy ("Pharmacy"), a pharmacy registered by the Board, registration number DS3518, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Pharmacy's record maintained by the Board:

1. The Pharmacy acknowledges that the Board opened a Complaint against its Massachusetts registration related to the conduct set forth in Paragraph 2, identified as Docket Number PHA-2015-0067 ("Complaint").
2. The Board and the Pharmacy acknowledge and agree to the following facts:
 - a. On or about June 14, 2014, Office of Public Protection ("OPP") investigators conducted a retail compliance inspection of the Pharmacy ("Inspection I") and observed the following regulatory deficiencies:
 - i. Pharmacy failed to conspicuously display on or adjacent to the entrance the name of the current Manager of Record in violation of 247 CMR 6.02(7);
 - ii. Pharmacy failed to conspicuously post signage informing customers of their rights to consultation by a pharmacist in violation of M.G.L. c. 94C, §21A and 247 CMR 9.07(3)(c);
 - iii. Pharmacy failed to maintain required supervisory ratios in that one pharmacist, one registered non-certified technician and two technician trainees were observed on duty at time of Inspection I in violation of 247 CMR 8.06(3);

- iv. Pharmacy failed to require certified pharmacy technicians and pharmacy technician trainees to wear compliant identification in violation of 247 CMR 8.04(2)(a) and 247 CMR 8.03(2)(a);
 - v. Pharmacy failed to maintain premises in clean and sanitary manner in violation of 247 CMR 6.02(1);
 - vi. Pharmacy failed to properly label components for compounding that do not have expiration dates assigned by the manufacturer or supplier in violation of 247 CMR 9.01(3) and USP <795>, specifically by not assigning expiration dates to flexible collodion, precipitated sulfur, resorcinol and thymol;
 - vii. Pharmacy failed to specifically designate adequate space for compounding of prescriptions that is suitable for its purpose in violation of 247 CMR 9.01(3) and USP <795>;
 - viii. Pharmacy failed to maintain compounding area in clean, orderly and sanitary condition and good state of repair in violation of 247 CMR 9.01(3) and USP <795>; and
 - ix. Pharmacy failed to maintain Material Safety Data Sheets ("MSDS") readily accessible to all employees working with drug substances or bulk chemicals in violation of 247 CMR 9.01(3) and USP <795>;
- b. On or about February 20, 2015, OPP investigators conducted a retail compliance inspection of the Pharmacy ("Inspection II") and observed the following regulatory deficiency:
- i. Pharmacy failed to maintain required supervisory ratios in that one pharmacist and three registered non-certified technicians were observed on duty at time of Inspection II in violation of 247 CMR 8.06(3).

3. The Pharmacy acknowledges that the foregoing facts warrant disciplinary action by the Board under M.G.L. c. 112, §§ 42A and 61 and under 247 CMR 10.03.

4. The Pharmacy agrees that the Board shall impose a REPRIMAND on its registration based on the facts admitted in Paragraph 2, effective as of the date on which the Board signs this Agreement ("Effective Date").

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5. The Board acknowledges the receipt of documentation that the Pharmacy has conducted a self-inspection of its operations and that the Pharmacy has submitted a Board-approved plan of correction ("POC") concerning the remediation of any found deficiency from the self-inspection. Licensee and the Board acknowledge that the Board's receipt of said documentation was a precondition to be met before the Board entered into this Agreement.
6. Pharmacy acknowledges receipt of the Board's General Advisory on Staffing Ratios, appended at Attachment A.
7. The Board agrees that in return for the Pharmacy's execution and successful compliance with all the requirements of this Agreement, the Board will not prosecute the Complaint.
8. The Pharmacy understands that it has a right to formal adjudicatory hearing concerning the Complaint and that during said adjudication the Pharmacy would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on its 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 Pharmacy further understands that by executing this Agreement the Pharmacy is knowingly and voluntarily waiving its right to a formal adjudication of the Complaint.
9. The Pharmacy acknowledges that it has been at all times free to seek and use legal counsel in connection with the Complaint and this Agreement.
10. The Pharmacy acknowledges that after the Effective Date, the Agreement constitutes a public record of disciplinary action by the Board subject to the Commonwealth of Massachusetts' Public Records Law, M.G.L. c. 4, § 7. 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 Pharmacy understands and agrees that entering into this Agreement is a voluntary and final act and not subject to reconsideration, appeal or judicial review.

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12. The individual signing this Agreement certifies that he/she is authorized to enter into this Agreement on behalf of the Pharmacy, and that he/she has read this Agreement.

Lanem Boyd 2/18/2016
Witness (sign and date)

[Signature] 2/18/2016
CVS Pharmacy #1868 (sign and date)

Joseph Lavino, PharmD, JD, Legal Counsel, CVS
Health
print name

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

3/14/16
Effective Date of Reprimand Agreement

Fully Signed Agreement Sent to Registrant on 3/17/16 by

Certified Mail No. 7015 3016 0001 6944 6038

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