

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)

CVS # 220)

LICENSE DS17722)

Exp: December 31, 2023)

Docket No.: PHA-2023-0119

CAS-2023-0656

CONSENT AGREEMENT FOR REPRIMAND


The Massachusetts Board of Registration in Pharmacy, ("the Board") and CVS #220, located at 246 E Main Street, Marlborough, MA, ("the Pharmacy"), a pharmacy licensed by the Board, License No. DS17722 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 pharmacy license related to the conduct set forth in section 2(a), below, identified as Docket Number PHA-2023-0119, ("the Complaint").
2. The Pharmacy and the Board agree to resolve this Complaint without making any admissions or findings and without proceeding to a formal adjudicatory hearing. The Complaint alleges the following:
 - a. On April 17, 2023, the Pharmacy discovered the loss of 60 methylphenidate 10 mg tablets and could not determine the cause of the loss.
3. The Board and Licensee acknowledge and agree that based upon the information described in section 2(a), above, the Board could find the Pharmacy in violation of 247 CMR 10.03(l)(v) for committing an act that violates recognized standards of pharmacy practice, warranting disciplinary action by the Board under Mass. Gen. Laws c. 112, §§ 42A, 61 and 247 Code Mass. Regs. § 10.03(1)(a).
4. The Pharmacy agrees that the Board shall impose a REPRIMAND on its license based on the facts described in section 2(a), above, effective as of the date on which the Board signs this Agreement, ("the Effective Date").
5. 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.
6. 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, Mass. Gen. Laws ch. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 Code Mass. Regs. § 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.

7. The Pharmacy acknowledges that it has been at all times represented by Counsel or otherwise free to seek and use legal counsel in connection with the Complaint and this Agreement.
8. 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, Mass. Gen. Laws ch. 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.
9. 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.
10. The individual signing this Agreement certifies that they are authorized to enter into this Agreement on behalf of the Pharmacy, and that they have read this Agreement.

05/09/2024
Date


(signature)

Leo Lariviere
(print name)

David Sencabaugh

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

5/13/24

Effective Date of Reprimand Agreement

Fully Signed Agreement Sent to Licensee on 5/20/2024 by Certified Mail
No. 7020 2450 0001 9471 5337