COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY BOARD OF REGISTRATION

IN PHARMACY

In the Matter of )

CVS # 719 ) PHA-2019-0069

DS1906 )

**CONSENT AGREEMENT FOR REPRIMAND**

The Massachusetts Board of Registration in Pharmacy (“Board”) and CVS # 719 (“Pharmacy” or “Licensee”), a pharmacy licensed by the Board, DS1906, 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 the Board opened a Complaint against its Massachusetts pharmacy license related to the conduct set forth in Paragraph 2, identified as Docket Number PHA-2019-0069 (“Complaint”).
2. The Board and the Pharmacy acknowledge and agree to the following facts:
   1. The Pharmacy’s former Manager of Record, Devki Patel, exited employment with the Pharmacy on or about March 28, 2019.
   2. During a Board inspection on or about June 13, 2019, the Pharmacy had not submitted an application for Change of Manager of Record.
   3. During a Board inspection on or about June 13, 2019, the Pharmacy did not have a controlled substances inventory available for review, in violation of 247 CMR 6.07(1)(e). The Pharmacy failed to conduct a controlled substances inventory upon the ending of employment of former Manager of Record Patel.
   4. The Pharmacy did not submit an application for Change of Manager of Record until on or about January 28, 2020.
3. The Pharmacy acknowledges that the facts described in Paragraph 2 warrant disciplinary action by the Board under M.G.L. c. 12, §§ 42A & 61 and 247 CMR 10.03(1)(a) and (v).
4. The Pharmacy agrees that the Board shall impose a REPRIMAND on its license based on the facts admitted in Paragraph 2, effective as of the date on which the Board signs this Agreement (“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, 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 it’s right to a formal adjudication of the Complaint.
7. 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.
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, 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.
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 he/she is authorized to enter into this Agreement on behalf of the Pharmacy, and that he/she has read this Agreement.

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Witness (sign and date) (sign and date)

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(print name)

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David Sencabaugh, R. Ph.

Executive Director

Board of Registration in Pharmacy

\_\_\_\_\_8/13/2020\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Effective Date of Reprimand Agreement

Fully Signed Agreement Sent to Licensee on \_\_\_\_8/13/2020\_\_\_\_\_\_\_\_\_by Certified Mail No.\_\_7019 0700 0000 1846 2104\_\_\_\_\_\_\_\_\_\_\_\_\_\_