

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
 CVS Pharmacy #8437)
 Registration No. DS3549)
 Expires December 31, 2017)

Docket No. PHA-2015-0089

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Pharmacy ("Board") and CVS #8437 Pharmacy located at 188 Linden Street in Wellesley ("Pharmacy"), a pharmacy registered by the Board, registration number DS3549 ("Registration"), 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 Registration related to the conduct set forth in Paragraph 2, identified at docket number PHA-2015-0089 ("Complaint").
2. The Board and the Pharmacy acknowledge and agree to the following facts:
 - a. On or about December 5, 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, through its Manager of Record, failed to maintain adequate staff in the Pharmacy to ensure that the practice of pharmacy be conducted consistent with 247 CMR 2.00 *et seq.* and all other applicable federal and state laws in violation of 247 CMR 6.07(1)(f), in that OPP investigator observed about 70 baskets of filled prescriptions on counter and 60 baskets of filled prescriptions on floor waiting to be verified by pharmacist and second pharmacist was not scheduled to begin work for 30 minutes.
 - ii. Pharmacy failed to maintain required supervisory ratios in that one pharmacist, two certified pharmacy technicians, two registered non-certified technicians and one technician trainee

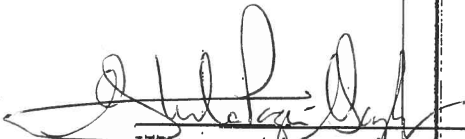
were observed on duty at time of Inspection I in violation of 247 CMR 8.06(3).

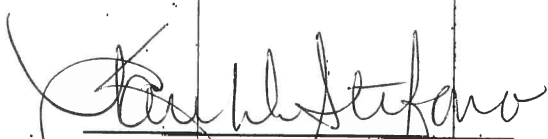
- b. On or about April 29, 2015, OPP investigators conducted a retail compliance inspection of the Pharmacy ("Inspection II") and observed the following regulatory deficiencies:
 - i. Pharmacy failed to maintain required supervisory ratios in that one pharmacist, three registered non-certified technicians and one pharmacy intern were observed on duty at the time of Inspection II in violation of 247 CMR 8.06(3); and
 - ii. Pharmacy, through its Manager of Record, failed to establish, monitor and enforce policies and procedures which maintain the standards of professional pharmacy practice in violation of 247 CMR 6.07(1)(e), by permitting an unlicensed pharmacy technician to work.
3. The Pharmacy acknowledges that the foregoing facts warrant disciplinary action by the Board under M.G.L. c. 12, §§ 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").
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. Licensee acknowledges receipt of the Board's General Advisory on Staffing Ratios, appended hereto at Attachment A.
7. 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

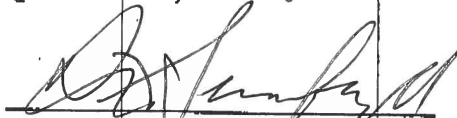
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executing this Agreement the Pharmacy is knowingly and voluntarily waiving its right to a formal adjudication of the Complaint.

8. 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.
9. 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.
10. 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.
11. 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.


4/13/16
Witness (sign and date)


4/13/16
CVS #8437 (sign and date)
Director, Rx Reg. Affairs
Karen Distefano
(print name)


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

5/5/16
Effective Date of Reprimand Agreement

Fully Signed Agreement Sent to Registrant on 5/5/16 by

Certified Mail No. 7015 3010 0001 6944 5550

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