

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION  
IN PHARMACY

In the Matter of )  
CVS Pharmacy #114 )  
Pharmacy Registration No. DS2821 )

Docket Nos. PHA-2011-0122  
PHA-2011-0197  
SA-INV-1582

JAN 31 2012

**CONSENT AGREEMENT**

The Board of Registration in Pharmacy ("Board") and **CVS Pharmacy #114** (Pharmacy Registration No. DS2821), located at 12 Harvard Street in Waltham, Massachusetts ("Registrant" or "Pharmacy"), do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the files of the Registrant that are maintained by the Board:

1. The parties enter into this Consent Agreement ("Agreement") to resolve disputed matters arising out of the complaints pending before the Board regarding Registrant as Docket Nos. PHA2011-0122, PHA-2011-0197 and SA-INV-1582 (the "Complaints").
2. Registrant acknowledges the occurrence of the medication error(s) alleged in Complaint Docket Nos. PHA2011-0122; specifically, that on or about March 9, 2011, Registrant improperly filled a prescription for a patient by dispensing Coumadin 4 mg rather than Coumadin 1 mg as prescribed and Complaint Docket No SA-INV-1582; specifically that on or about August 8, 2010 and diverse dates thereafter, Registrant failed to properly fill certain prescriptions (Cymbalta 30mg, Amlodipine 5mg, Norvasc 5mg, Antacid Liquid) for a patient, including the dispensing of prescriptions with incorrect label information regarding the prescriber and incorrect label on a prescription.
3. Registrant acknowledges and agrees that Board Investigators inspected the Pharmacy on July 26, 2011 and observed multiple statutory and regulatory violations pertaining to the practice of pharmacy as more particularly described in Complaint Docket No. PHA-2011-0197, including, but not limited to, Registrant's failure to:
  - a. comply with the requirement to have a balance tested and sealed by the state or local sealer of weights and measures annually, in violation of 247 CMR 6.01(5) (a)(4).
  - b. conduct Pharmacy operations in a clean and sanitary manner, in violation of 247 CMR 6.02(1);
  - c. conduct Pharmacy operations in accordance with 247 CMR 6.01(5)(b), requiring a pharmacy to facilitate proper preparation and compounding of prescribed medications; and provide for an arrangement and storage of drugs that is calculated to prevent accidental misuse; and
  - e. comply with United States Pharmacopoeia (USP) Compounding Standards 795, in violation of 247 CMR 6.01(5)(a)5.



4. Accordingly, Registrant acknowledges and agrees:

- a. that the improper dispensing and statutory and regulatory violations described in Paragraphs 2 and 3 constitute conduct warranting disciplinary action by the Board, pursuant to M.G.L. c.112, §§ 42A and 61 and 247 CMR sections 10.03(1)(a), 10.03(1)(b), 10.03(1)(e), 10.03 (1)(v) and 10.03 (1)(w);
- b. that the Pharmacy registration is hereby placed on PROBATIONARY STATUS for the one-year period commencing on the Effective Date of the Agreement ("Probationary Period"). Termination of the Probationary Period shall be governed by Paragraph 5 of the Agreement;
- c. to submit a copy of the Pharmacy's updated policies and procedures regarding pharmacy security and accountability of controlled substances to the Board for review, within 30 days of the Effective Date of the Agreement;
- d. to provide written confirmation to the Board, within ten (10) days of the Effective Date of the Agreement, that the current Manager of Record at the Pharmacy has completed a Board "Self-Inspection Form." The Manager of Record must complete a Self-Inspection Form (signed and dated) every three (3) months and maintain a copy of the form on Pharmacy premises, readily retrievable at Board request, for a minimum period of two years from the Effective Date of the Agreement; and
- e. the Pharmacy shall provide specific information and documentation to the Board during the Probationary Period as may be requested to determine compliance of Pharmacy operations with the Agreement and federal and state statutes and regulations.

5. Registrant acknowledges and agrees that termination of the Probationary Period shall be granted by the Board only if Registrant has:

- a. submitted a written request to the Board for termination of the Probationary Period; and
- b. fully complied with all terms and conditions of the Agreement, demonstrated compliance with relevant federal and state statutes and regulations as may be specifically requested by the Board whether or not related to any inspection or site visit to the Pharmacy during the Probationary Period, and met all other requirements for licensure.

6. The Agreement and its contents shall be incorporated into the records maintained by the Board. The Agreement is a public record subject to disclosure to the public and equivalent state licensing boards.

7. The Board agrees that in return for execution of the Agreement, the Board will not advance the prosecution of the Registrant pursuant to the Complaints; any and all other rights of the Board to take action within the scope of its authority are expressly reserved.

8. The Pharmacy understands and agrees that, at any time during the Probationary Period, upon determination by the Board of any alleged violation of any of the terms and conditions of this Agreement, or any violation of the applicable laws, rules and regulations governing the



practice of pharmacy, the Board may suspend Pharmacy Registration No. DS2821 or take other action as deemed necessary and appropriate for a period of time deemed necessary by the Board without the requirement of further proceedings pursuant to G. L. c. 30A.

9. Registrant acknowledges and agrees that should Registrant be found to have violated any of the statutes and/or regulations governing the practice of pharmacy for conduct occurring during the Probationary Period, the Board may consider the practices described in Paragraph 2 and 3 and more fully described in the Complaints in determining an appropriate sanction for the subsequent offense.
10. Registrant acknowledges and agrees that the decision to enter into the Agreement and to accept the terms and conditions herein described is a final act and is not subject to reconsideration or judicial review.
11. Registrant acknowledges that legal counsel was consulted in connection with the decision to enter into the Agreement or, if not, that Registrant had an opportunity to do so.
12. Registrant acknowledges by executing this Agreement, Registrant is waiving the right to a formal hearing at which Registrant would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to offer testify on its own behalf, to contest the allegations, to present oral argument, to appeal to court in the event of an adverse ruling, and all other rights set forth in G.L. c. 30A and 801 CMR 1.01 *et seq.* Registrant states that in executing this document titled "Consent Agreement", Registrant is knowingly and voluntarily waiving all right to a formal hearing and to all of the above listed rights.

**CVS Pharmacy #114**  
Pharmacy Registration No. 2821

By: [Signature]

Title: Director Regulatory Control

Effective Date: 2/6/2012

**BOARD OF REGISTRATION  
IN PHARMACY**

By: Karen M Ryle  
Karen M. Ryle, R.Ph, M.S.

Secretary

Date: 2/6/2012