

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

)
In the Matter of)
CVS Pharmacy #117)
License Number: DS3207)
Expires December 31, 2017)

Docket No. PHA-2017-0103

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Pharmacy ("Board") and CVS Pharmacy #117 ("Pharmacy"), a pharmacy registered by the Board, license number DS89741 ("License"), 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 License related to the conduct set forth in Paragraph 2, identified as docket no. PHA-2017-0103 (the "Complaint").
2. The Board and the Pharmacy acknowledge and agree to the following facts:
 - a. On or about October 6, 2016, Office of Public Protection investigators conducted a compliance inspection of the Pharmacy and observed the following regulatory deficiencies:
 - i. Pharmacy failed to maintain expired schedule II controlled substances in perpetual inventory and reconcile at least every ten days until returned to the reverse distributor in violation of 247 CMR 9.01(14); and
 - ii. Pharmacy failed segregate expired and outdated FlavoRX, OTCs and compound ingredients in violation of 247 CMR 9.01(10).
 - b. On or about, April 6, 2017, Office of Public Protection investigators conducted a compliance inspection of the Pharmacy and observed the following regulatory deficiencies:

- (i) Pharmacy failed to consistently reconcile schedule II controlled substance and expired schedule II controlled substances at least every ten days in violation of 247 CMR 9.01(14); and
 - (ii) Pharmacy maintained expired drugs and vaccines in active inventory on the Pharmacy's shelves and in the refrigerator/freezer in violation of 247 CMR 9.01(10).
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(1)(a).
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 Consent Agreement for Reprimand ("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 its 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.

CVS Pharmacy #117
DS3207
PHA-2017-0103

- 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.

[Signature]
 Witness (sign and date)
 10-3-17

Thomas m. Bourque
 CVS Pharmacy #117
 (sign and date) 10-3-17

Thomas m. Bourque Jr.
 (print name) Sr. Director, Regulatory
 Affairs

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

10-10-17
 Effective Date

Fully Signed Agreement Sent to Registrant on 10/11/17 by

Certified Mail No. 7015 3010 0001 7079 8027

CVS Pharmacy #117
 DS3207
 PHA-2017-0103