

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
CVS/pharmacy #1221)
Pharmacy Registration No.2988)

Docket No. PHA20090202

CONSENT AGREEMENT

The Board of Registration in Pharmacy (Board) and CVS/pharmacy #1221 (Pharmacy Reg. No. 2988), located at 50 Medway Road in Milford, Massachusetts (Pharmacy), do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the file of the Pharmacy maintained by the Board:

1. The parties enter into this Consent Agreement ("Agreement") to resolve disputed matters involved in Complaint Docket No. PHA20090202 regarding the Pharmacy (the "Complaint").
2. The Pharmacy acknowledges the occurrence of the quality-related event alleged in the Complaint; specifically, the Pharmacy incorrectly dispensed a prescription for Nexium® (esomeprazole) 20 mg #60 in a vial containing both 20 mg and 40 mg capsules on November 6, 2009.
3. Accordingly, the Pharmacy agrees to the following:
 - a. That the conduct of certain Pharmacy personnel in the filling and dispensing of this prescription constitute conduct in violation of accepted professional practice standards warranting disciplinary action by the Board, pursuant to M.G.L. c.112, §§ 42A and 61 and 247 CMR 9.01(1) and 10.03 (1)(a), 10.03 (1)(k), 10.03 (1)(v), and 10.03 (1)(w);
 - b. The Pharmacy is hereby **REPRIMANDED** by the Board;
 - c. The Pharmacy shall submit a copy of the Pharmacy Department's Corrective Action Plan and the names and titles of retrained pharmacy personnel (with signatures of retrained individuals affirming completion of retraining) to the Board for review within 30 days of the Effective Date of the Agreement; and
 - d. The Pharmacy shall submit written confirmation that the Board's Self-Assessment Inspection Form has been completed by the Manager of Record to the Board within 30 days of the Effective Date of the Agreement.
4. 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.

5. The Board agrees that in return for executing the Agreement, the Board will not advance the prosecution of the Pharmacy pursuant to the Complaint; any and all other rights of the Board to take action within the scope of its authority are expressly reserved.
6. The Pharmacy 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.
7. The Pharmacy acknowledges that legal counsel was consulted in connection with the decision to enter into the Agreement or, if not, that the Pharmacy had an opportunity to do so.
8. The Pharmacy acknowledges by executing this Agreement, the Pharmacy is waiving the right to a formal hearing at which the Pharmacy would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to offer testimony 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.* The Pharmacy representative executing this Agreement states that in executing this document entitled "Consent Agreement", the Pharmacy is knowingly and voluntarily waiving all right to a formal hearing and to all of the above listed rights.

CVS/pharmacy #1221

Pharmacy Registration No. 2988

By: CPanciu

Title: Pharmacy Manager

Date: 5/5/10

BOARD OF REGISTRATION IN PHARMACY

By: Joanne M. Trifone

Joanne M. Trifone, R.Ph.
President

Effective Date: 5/10/10

Dec. No. 2290