

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
CVS Pharmacy #220)
License No. DS17722)
Expires December 31, 2017)
_____)

Docket No. PHA-2015-0027

CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Pharmacy ("Board") and CVS Store #220 located at 264 East Main Street in Marlborough ("Pharmacy"), a pharmacy registered by the Board, registration number DS17722 ("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 Massachusetts Registration related to the conduct set forth in Paragraph 2, identified as Docket Number PHA-2015-0027 ("Complaint").
2. The Board and the Pharmacy acknowledge and agree to the following facts:
 - a. On or about November 13, 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 failed to conspicuously display its Registration in violation of 247 CMR 6.02(3)(a);
 - ii. Pharmacy failed to provide signage in violation of 247 CMR 9.07(3)(c) and 247 CMR 6.01(5)(d);
 - iii. 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);
 - iv. 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 ten rows of baskets containing prescriptions and vials awaiting verification were stacked on a counter 17 baskets high;

- v. Pharmacy failed to consistently reconcile expired and unexpired Schedule II controlled substances every ten days in violation of 247 CMR 9.01(14);
- vi. Pharmacy failed to comply with USP <795> in violation of 247 CMR 9.01(3) by maintaining compounding records that were incomplete and missing documentation of the date compound was prepared.

b. On or about February 2, 2015, OPP investigators conducted a retail compliance inspection of the Pharmacy ("Inspection II") and observed the following regulatory deficiencies:

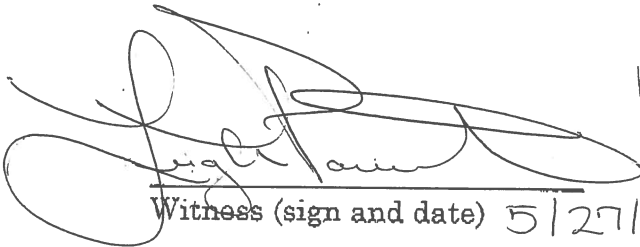
- i. Pharmacy failed to consistently reconcile Schedule II controlled substances every ten days in violation of 247 CMR 9.01(14); and
- ii. Pharmacy's daily reports were not consistently signed or initialed by a pharmacist in violation of 247 CMR 9.04(6).

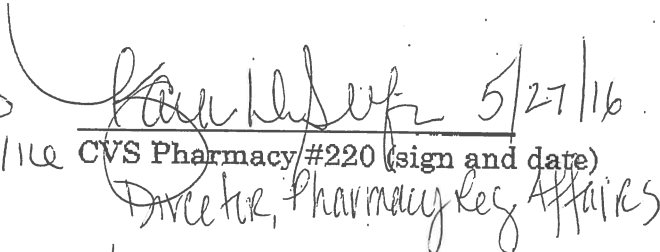
3. The Pharmacy acknowledges that the foregoing facts warrant disciplinary action by the Board under M.G.L. c. 12, §§ 42A and 61 and under 247 CMR 10.03.
4. The Pharmacy agrees that the Board shall impose a REPRIMAND on its Registration based on the facts admitted in Paragraph 2, effective as of the 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. 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

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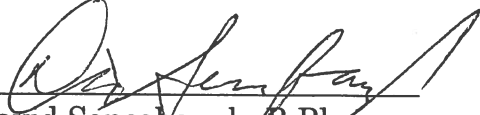
rights as set forth in the Massachusetts Administrative Procedures Act, M.G.L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et seq.* The Pharmacy further understands that by executing this Agreement the Pharmacy is knowingly and voluntarily waiving its right to 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.
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.


Witness (sign and date) 5/27/16

 5/27/16
CVS Pharmacy #220 (sign and date)
Director, Pharmacy Reg. Affairs
Karen DiStefano
(print name)

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

6/02/16
Effective Date of Reprimand Agreement

Fully Signed Agreement Sent to Registrant on 6/2/16 by

Certified Mail No. 7015 3010 0001 6944 S 635

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